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POLITICAL OBLIGATION, CITIZENSHIP
AND THE JUST WAR

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ABSTRACT

One of the most fundamental concerns of political philosophy is the question of what binds individuals to obey the laws of the state. For liberal democratic theorists, the answer can generally be found in the idea of consent, given either through citizen participation in political practices and other voluntary activities, and through the acceptance of certain benefits the state provides. Thus, political obligation is clearly linked to the notion of citizenship.

In this thesis I propose to cast serious doubt on the above claim, through critical analysis of consent theory and through philosophical and empirical investigation of the distribution of burdens and benefits within liberal democratic society. This will be conducted within the contexts of both peace and war, thus assessing the extent of one's political obligation to obey the laws of the state and to kill or to die on its behalf. Hence, attention will be focused upon the changing relationship between citizen and state in terms of reciprocal rights and duties, and the ways in which the mode of warfare has altered preconceived notions of citizenship and political obligation.

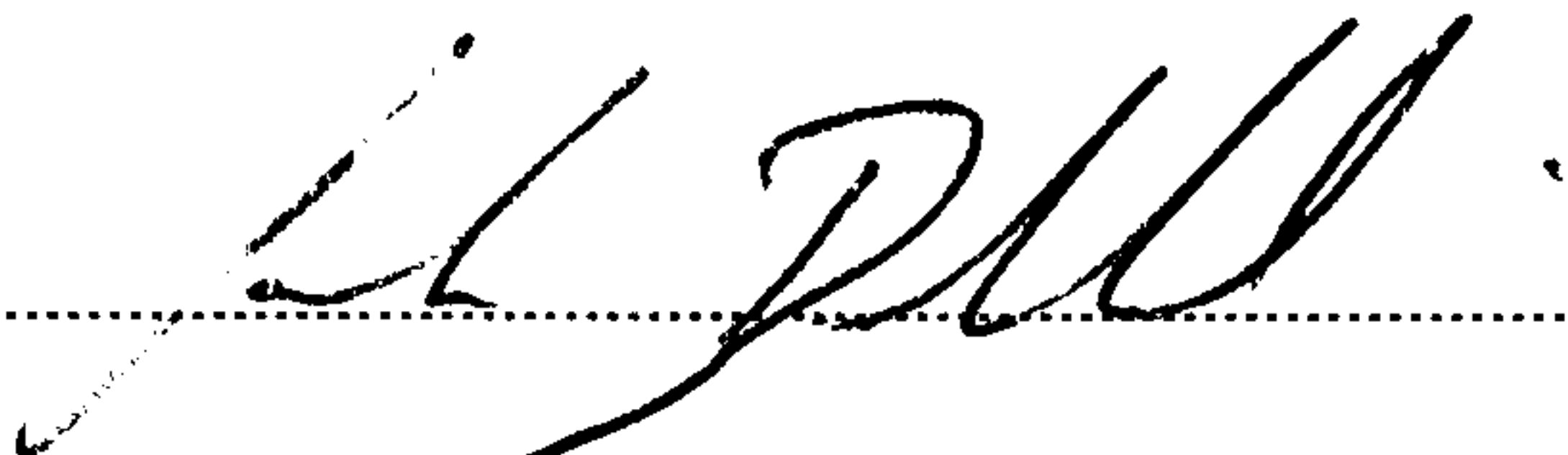
My intention is to suggest that the justification of political obligation demands a far richer conception of the 'political' which in turn requires a reconstruction of the idea of 'citizenship', and to this end I will set out to construct the kind of society which may give rise to the obligation of citizens to kill or to die in its defence. This will involve, among other things, formulating a theory of distributive justice and the specification of social policies necessary for the pursuit of a worthwhile life and a just peace. Thus, in contrast to the liberal democratic view, I will argue that only from the starting-point of a good society and a just peace, can we be said to owe a political obligation to obey its laws or engage in a just war.

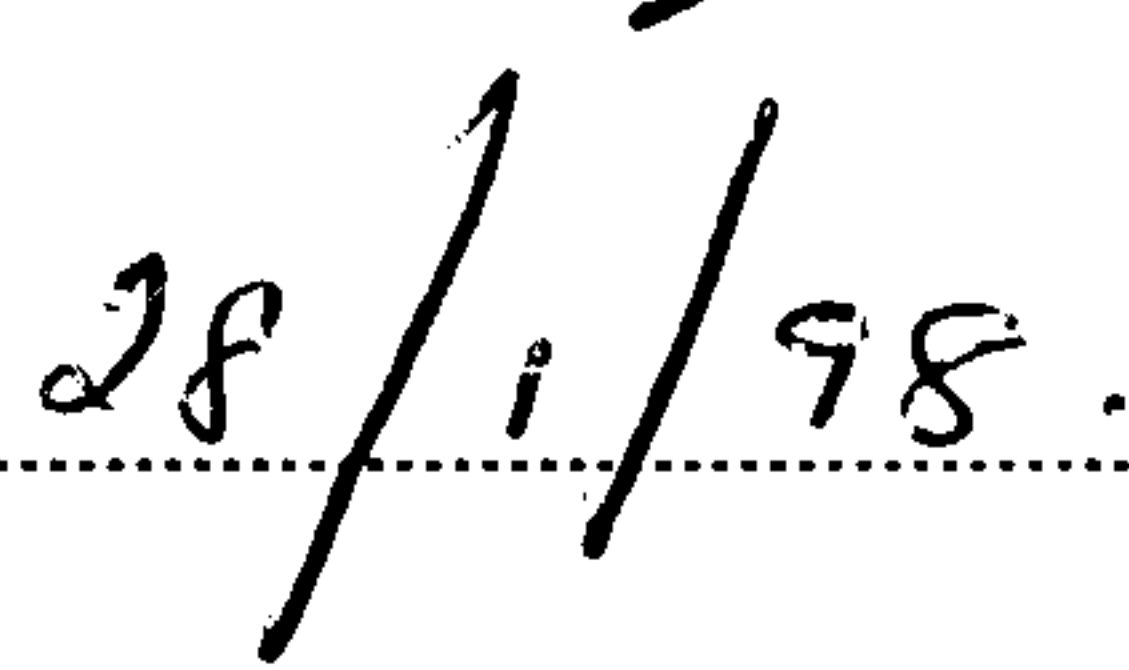
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My first word of thanks must go to my family without whose practical and emotional support this work would not have been possible. I wish also to express my gratitude to David Watson whose patience and skill guided me through the hitherto unfamiliar world of philosophy. For his ability to illuminate what would have remained in shadow, he has my deepest admiration and respect.

DECLARATION

The work contained in this thesis, except where otherwise stated, is the author's own, and the views expressed herein are those of the author and not of the University.

Signed:  _____

Date:  _____

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INTRODUCTION

How an individual, conceived as originally free from all bonds, comes to owe a political obligation, is perhaps the central question of liberal democratic theory. It is also a question which serves as a starting-point for my philosophical inquiry into the nature of the relationship between citizen and state, and their reciprocal obligations, in the context of war. My intention, in the opening chapter, is to challenge the standard liberal democratic answer to the above question which holds that citizens are bound to obey the laws of the state through the expression of consent. Consent theory attempts to give a voluntarist justification for political obligation by pursuing either of two strategies. The first embodies the idea of a social contract as an act of hypothetical consent by imaginary men and women sharing an understanding of what is rational, or negotiating with one another in the artificial conditions of a 'state of nature' or an 'original position'. The other involves the redescription of certain acts and omissions as signs of tacit consent - for example, through voluntary activities (such as 'travelling the highway'), through the acceptance of certain 'benefits' the state provides, and through participation in certain political practices (eg. voting).

In order to address the limits of the liberal democratic notion of political obligation I will be posing a number of questions. If we assume that such an obligation exists (and this is yet to be proven) is it singular in character? Are all obligated persons bound in the same way or to the same degree? What about socially and economically disadvantaged citizens or those who have little input into the political process (in current jargon, the socially excluded and the disempowered)? These issues will be explored in the course of my discussion which will cast serious doubt on the validity of the liberal democratic claim.

This leaves me with the question of what sort of society could bind citizens to a political obligation? Moreover, on what grounds may such a society legitimately demand what some would regard as the ultimate obligation - that is, the obligation of citizens to kill or to die on its behalf? And given that such an obligation may exist, what are the implications for the future conduct of war? Could we argue, for example,

that a society which maintains just social arrangements or supports the good life, is an essential precondition for the conduct of a just war? What do we mean by a 'just war' - what criteria need to be met for a war to be 'just'? Moreover, gaining the consent of the people to engage in war implies a form of exchange between state and citizen, which may in turn require the creation of a social system which guarantees physical well-being and autonomy, in the sense of freedom from certain hindrances which constrain moral action. In return citizens would offer their loyalty and commitment to defend such a society which has looked after them well, and be more willing to assist other vulnerable groups or societies in achieving or protecting social justice which may be under threat. Could we argue then, that a 'just war' can only be conducted from the starting-point of a *just peace*, in which allegiance is based on a willingness to defend a just society, rather than being merely coerced or legally obliged to do so?

Through empirical investigation I will be assessing the extent to which liberal democratic society (with particular reference to Britain) has met the criteria set out above which may give rise to the political obligation to risk one's life in its defence. Political institutions and social policies will be examined in the contexts of both peace, war and the nuclear age, alongside an analysis of the changing conception of citizenship to which such institutions and policies are inextricably linked. Should citizenship be viewed in terms of a legal minimum of civil and political rights? Or should it be richer in conception, encompassing social rights such as welfare rights?

However, the construction of a good society and the analysis of a just war go beyond an empirical approach - such tasks not only involve an examination of existing arrangements but also of what is possible in the future. This in turn raises fundamental issues of moral and political philosophy encompassing various ethical concepts, modes of argument and theoretical traditions which have preoccupied philosophers for centuries. But why pursue a philosophical approach at all? In the study of war, for example, it might be said either that philosophers should not ponder the ethics of topics better left to political and military experts, or if they insist upon considering such issues, they should accept that their conclusions will have little impact on the real

activities of individuals. So what relevance, if any, does a philosophy of war have in the real world?

It would not be an exaggeration to say that most philosophers who have dealt with war in a theoretical manner have given arguments in its favour. For instance, according to one theory from human nature, war is justifiable because human beings possess aggressive war-like instincts. Another view can be traced back to Christian theorists such as Augustine and Aquinas who introduced the idea that wars fought in self-defence can be regarded as just. A further argument focuses on the sovereignty of the state - for example, Machiavelli and Hobbes saw war as basic to the state's existence, necessary to preserve sovereignty and avoid anarchy. However, recent and current theories favouring war neither assert its inevitability (in the sense of innate aggression) nor its glory but view it as a necessary means of upholding justice and preserving freedom.

So why is it that philosophers have been so reluctant to adopt a critical stance towards the institution of war? In order to answer this question it is worth pondering briefly Plato and Aristotle's lack of profound reflection or critique on the established institution of slavery. It can be suggested that living in a society which viewed slaves as non-persons, (denied all legal rights and, by implication, moral rights) the slave system was accepted by these great thinkers as a matter of course. As Whitehead (1933) points out, slavery was *"...presupposed in the very structure of society: and such necessity limits the scope of all generalities."* P.17) In the context of the modern world, it is possible, by replacing the institution of slavery with the institution of war, to understand how reliance on military strength to deal with enemies (both actual and fictitious) is as deeply rooted in Western culture today as slavery was in the classical period. In other words, we live in a world where our values, ideologies, language, conceptions of history and politics *and philosophies* are shaped by a system in which war is an integral part. Moreover, this reality promotes a common value; though it is sometimes unjust, war as an instrument for resolving conflicts is *always just* in some form. It is unjust when it is waged against *us* and it is just when we wage it against *others*. But as Ginsberg (1969) remarks:

"Since other people as well are convinced of the rightness of, their waging war, the system of the world provides a bloody spectacle of righteous extermination." (P.xix)

And extermination is precisely what it could be, extermination of the human species. It has become abundantly clear, especially since the world entered the nuclear age (despite the fact that it partly de-commissions it) that our 'ingenuity' to devise a single weapons system has made possible the destruction of the planet. Both adults and children now recognise total annihilation as a contemporary possibility. Surely this horrific scenario constitutes one of the most important problems for human beings, and consequently, must be addressed by both decision-making structures within the international community *and* philosophers concerned with the ethics of war. Since war may be viewed as getting one's way at all costs, it violates all rational standards including the pursuit of inquiry. Consequently, it is my belief that philosophy, as the foundation of inquiry, has fundamental implications for our perceptions of war and its justification. This is all the more true if we consider the words of UNESCO's Constitution which state:

"Since wars begin in the minds of men (sic), it is in the minds of men that the defences of peace must be constructed." (Ibid)

Thus, it follows that the interpretation and analysis provided by philosophy are essential ingredients in any serious attempt to change the minds of the inhabitants of a world of war.

Finally, what of the view that to identify and urge a good society is to pursue goals that are hopelessly utopian, given the constraints imposed by the 'real' world. How far, in setting out an ideal picture of a good society that may be worth risking one's life for, is one falling into the trap of idealism, and forgetting that material conditions will determine both the future and the development of ideas about the future? In undertaking this task, am I succumbing to the urge of grasping ***"this sorry Scheme of Things entire...shatter it to bits, and then remould it nearer to the Heart's Desire."*** (quoted in Robinson 1962. p.xii), totally disregarding the human, political and socioeconomic conditions of the real world - past, present or future? My answer would

be no. I acknowledge that, as Marx put it, we make our own history (though not in circumstances of our own choosing); what shapes that history is our ideas and activities, themselves arising out of our past and present experience. By focusing on 'ideas' rather than activities, my tools for constructing the good society are thus philosophical in emphasis rather than merely empirical implements, but this does not necessarily imply that my approach cannot be an 'objective' one. For example, if I am expressing a moral belief (as opposed to mere opinion) then it would seem that there is a moral truth to be discovered, that that truth is in principle objectively ascertainable, and that it is the task of reason to ascertain what kind of actions really are right or wrong.

Acting upon any conception of the good society then, requires a detached concern with truth and understanding. However, such an approach need not be understood as a retreat into the academic ivory tower and away from the harsh realities of the world outside the university or research institute. In fact, one of the great merits of a philosophical approach is that it shows us what we *ought* to think of the claims that politicians and ordinary people make in the everyday world of public affairs and social policy, as well as the claims of philosophers and theorists. In turn, a philosophical approach to constructing the good society teaches and encourages critical reflection, rather than settling for the comforting (or discomfiting) rhetoric so characteristic of empirical approaches. An uncritical empiricism precludes a theoretical approach to social issues. For example, in the area of social policy, there has been a tendency (particularly by writers within traditional social administration) to define out of the study of policy analysis the really important questions surrounding the distribution of power, thus focusing on what the government *does* rather than the situation of a particular form of society. Of course, we can learn a great deal by looking at social statistics or reading detailed histories (I have drawn upon such sources throughout this thesis), but questions which arise from the study of the social sciences cannot be settled by any simple appeal to accumulated evidence. There is also the matter of deepening our understanding of *why* social life is organised the way it is, and how and why it is changing, and how it *ought* to be organised and changed. The determinants of social life and the patterns of change within it, cannot be fully grasped simply by

gathering descriptive material of various kinds. We have actively to process what information we have, by approaching it through carefully defined categories of analysis and by relating it to more general bodies of theory. Thus, through a *theoretical* process of constructing an ideal, we are invited to exercise our minds over subjects of great importance to us all.

However, I may still be 'accused' (and have been!) of engaging in nothing more than a 'parlour game' - no matter how 'good' or 'just' my ideal society may be, critics argue, we will never be capable of successfully engineering the triumph of the 'good' putting an end to all injustice. Yet even if I were to accept our relative powerlessness (which I do not), this can only serve to strengthen the validity of a philosophical construction of the good society. Through critical reflection we can at least know what is good and hope for and speak for the right things, and consequently avoid, or struggle for the eradication of, all things we believe to be wrong or unjust. Thus, implicit in these statements is that my good society, once constructed, should be viewed as the product of an ongoing philosophical line of inquiry, and is thus subject to this same process - that is, to be improved and updated subject to particular ideas and problems of particular times and places. From this perspective then, I would argue that my good society is not idealistic in the sense of being a total abstraction from the real world and representing a perfect or supremely excellent form, that is to say, my ideal society is not the final word.

CHAPTER ONE

POLITICAL OBLIGATION AND THE LIBERAL DEMOCRATIC STATE

It has been taken for granted by many liberal democratic theorists, particularly those influenced by the writings of John Locke, that all citizens, no matter what their status, carry an equal political obligation. Indeed the argument that all citizens are equally obligated looks reasonable enough once universal suffrage is admitted to the liberal democracy. However, I want to challenge this assumption by questioning whether the equality of citizenship does in fact transcend the substantive socioeconomic inequalities that divide individuals within a liberal democratic society. If not, do these inequalities give rise to differential political obligations or possibly no obligation whatsoever?

POLITICAL OBLIGATION AND CONSENT

It is frequently argued that we owe a political obligation to the government because it is popular; that is, citizens ought to obey it because they have consented to its rule. But what is consent? Consent must be *to* something; in the case of political obligation it is consent to, amongst other things, a proposed or already existing relationship. In a liberal democracy no one has agreed (at least recently) to the setting-up of this kind of decision-making procedure so we cannot say that express consent has been given. So how do supporters of the view that consent gives rise to political obligation deal with this problem?

In 'Man and Society' (1992) Plamenatz explores Locke's distinction between direct consent which

"grants authority, or establishes or alters a system of government" and indirect (or tacit) consent (p.338).

For Plamenatz, all those who participate in an election directly consent to the government that takes office, because they voluntarily took part in the knowledge of

the consequences of an election. Furthermore, those who abstain from voting give tacit consent to the political system as a whole. That is, simply by remaining a member of society one tacitly consents to be bound by its laws. (Plamenatz 1968. p.6) Other consent theorists place all citizens on the same footing whether they vote or not. As Pateman explains, the evidence of consent according to this view is that

"one can participate if one chooses to do so" and therefore "the individual is obligated....whether he (sic) personally utilises his opportunity or not." (Pateman 1979 p.84).

Is this a reasonable argument?

THE ELECTORAL SYSTEM.

Let us examine how the voter directly consents to the government. For example, by voting in an election is a person actually consenting to be bound by the results of the election? To address this question, we need to explore the nature of the electoral system itself.

Electoral systems are a central feature of the democratic process and are often seen as the political instrument through which notions such as consent and representation are translated into reality. For an electoral system is ultimately a method of converting votes cast by electors into seats in a legislature. It follows then that electoral systems will differ according to the method by which each allocates seats. Broadly speaking, there are two ways in which this can be done. Seats can be allocated to a candidate on a 'winner-take-all' basis - the candidate who gains the most votes wins the election, no matter what proportion of the overall vote he or she gains. The other type of electoral procedure is proportional representation - where seats in a representative assembly are allocated in terms of proportions of the vote attained. For the purposes of my argument, I will confine myself to the British system (the former type) which is characterised by one round of voting and no requirement that the winning candidate must get over half the vote.

The electoral system which a country adopts depends more upon its political tradition than upon abstract considerations of electoral justice or good government, which, as we shall see, raises a number of issues surrounding the moral question of political obligation. The British system of single-ballots and pluralities (often called 'first-past-the-post') is used in other countries which have come under British influence (Canada, India, New Zealand, the United States). In contrast, almost every Continental democracy uses a list system of proportional representation. The plurality system as it developed in Britain was linked to the notion of territorial representation. MPs represented not segments of opinion, nor political parties, but constituencies or communities. However, with the growth of political parties the plurality system could no longer be defended as securing the representation of communities and was attacked (as it is today) by advocates of proportional representation who insist that it fails to meet the 'resemblance' criteria of ideal norms of democratic representation.

For example, under the plurality system there is an enormous advantage in having an efficiently distributed vote. This means that in a two-party system a party can, at the limit, achieve a seats-to-vote ratio of 2:0 - that is, its percentage of seats in parliament can be twice as high as its percentage of votes in the nation. Thus, what matters is not the number of votes alone but their spatial distribution. Consequently, this can exaggerate the support of large parties while under-representing small parties (unless they are territorially concentrated). In post-war Britain, plurality has tended to inflate the seats-to-vote ratio of Labour (now New Labour) and Conservative and deflate the seats-to-vote ratio of the Liberal Democrats. Moreover, it is obvious that the spatial distribution of party support is also affected by where the constituency boundaries fall, because for elections it is the distribution between constituencies that matters. This allows scope for manipulation by powerful groups, one method being 'gerrymandering', that is, the art of maximising the efficiency of a party's vote in terms of consequential seats. The basic principle of this form of electoral engineering is to draw constituency boundaries in such a way that a party has no votes at all where it loses and a plurality where it wins. Examples would include the manipulation of electoral boundaries by Unionists in Northern Ireland where there was a Catholic

majority in the population; and more recently, the 'homes-for votes' charges levelled against the Conservative Westminster council.

Nevertheless, the plurality system continues to be seen as a means to a stable and effective government which forces the voter to decide his or her priorities. It is conceded by apologists that the plurality system gives disproportional representation (since the votes of those supporting losing candidates are wasted), but this is held to secure a positive benefit since it is likely to yield a single-party government without the need for coalitions. Thus, under the umbrella concept of representation, there is a profound conflict between the representation of territories (based on constituency size) and the representation of party or opinion. It also follows that the above observations cast serious doubt on the liberal democratic claim that citizens owe an equal obligation to the government, in the sense that obligation cannot be owed equally within a representative system that we have seen is unequal. To argue that a person who votes against the successful candidate consents to his/her election, is to overlook the fact that in many cases no consent was given.

However, the reply of the consent theorists would be that since the purpose of an election is to select one of the candidates to a position of authority, a voter who, knowing this, freely takes part in an election does consent to the conferring of that authority on the person who receives the most votes, even if that should happen to be a candidate against whom he or she voted. Thus, Plamenatz argues that it is the *fact* of voting that matters (that is, participation in a certain kind of voting system characterised by freedom of assembly, freedom of information etc.) and not the individual's other intention of selecting a particular candidate. But if the intention of selection is to be discounted, then voting is reduced to a empty gesture, so any discussion of consent must also be empty. Nevertheless, if we accept that it is the *fact* of voting that matters we could reasonably assume that consent arises from the act of participating in an election, which in turn indicates support for the electoral system and thus gives rise to an obligation to accept its results. Yet Plamenatz, applying Locke's example of travelling freely upon the highway, argues that non-participation also gives rise to consent, albeit of a tacit or indirect nature.

The claim about consent and non-voting rests on arguments that the formally equal status of citizenship shared by all adults, not only guarantees equal entitlement and the safest system for minorities (Singer 1979), but also provides the basis of their obligation to the government whether they use their vote or abstain if they choose to do so. No matter what their socioeconomic position, their interests are protected, or at least expressed, through the liberal democratic electoral mechanism. This may be plausible if both the politically active and electoral abstainers are drawn equally from all sections of the population. Yet empirical evidence reveals that this is far from the case; the politically active tend to be middle class and disproportionately male, while abstainers tend to be drawn from the lower socioeconomic ranks and tend to be disproportionately female. To understand why this is so, we need to take a closer look at the liberal democratic notion of political equality.

POLITICAL EQUALITY.

At first sight it may be felt that the voting procedure is an adequate embodiment of political equality. If decisions are taken by reference to votes, and if each person has one vote, then that appears to accord equal influence over the outcome. Yet as we have seen, in the British electoral system, where voters are electing representatives to make decisions on their behalf, examples of gross inequality between the power of different votes occur because of differences in effectiveness in getting the representative of your interests elected, which in turn produces inequality of outcome, either because of disparities in constituency size, or because of the nature of the plurality system itself.

In relation to the official decision-making procedure, we can suggest that voting is the first stage of initiating that procedure. But in reality, it frequently stands at the end of a series of social processes which are themselves permeated by substantial economic, sexual and racial inequality, which in turn influences the degree of political equality at the voting stage. Thus, voting is not exhaustive of political power which suggests that even equality in voting does not establish political equality, making an assessment of

equality of political obligation even more subtle. For example, even if I were to accept that the value of my vote is the same as the next person's, if that next person happens to be a newspaper magnate or a Cabinet Minister, then the influence I have over what millions of other electors end up voting for is nothing like equal to theirs, nor is my chance of being a candidate myself. Thus, opportunities for influence or activity of this kind are very unequally distributed, and vary with such factors as the amount of wealth I have at my disposal, the amount of time I am able to devote to political issues or the degree to which my own views (and the rationality of those views) reflect those of one of the most powerful political parties in society. This is not to suggest that Bill Clinton's youthful attraction, for example, did not play some part in his election victories, although, of course, physical attributes are not equally distributed either. But what concerns us here are *significant* structural inequalities, those closely connected with one's socioeconomic position, rather than individual traits such as good looks.

It is hardly surprising therefore, that much emphasis has been placed in empirical study on the ignorance and apathy of the electorate (although it should be noted that this, in itself, is not a measure of inequality provided that opportunities and participation are there). Schumpeter, for example, highlights the different degrees of effort and intelligent thought which people bring to politics on the one hand, and leisure activities on the other). (Schumpeter J. 1954.) Barnes and Kaase (1979) found that when they asked respondents whether they discussed politics often, sometimes, frequently or never, only 15% in Britain, the Netherlands, West Germany and Austria discussed it often. (p.541-2)

Nevertheless, although political discussion is peripheral to the typical citizen, any large electorate shows considerable variability in the extent of its political thinking and activity. One reason for the division of the citizenry into the more or less politically active is because the inactive and electoral abstainers do not see political participation as worthwhile. For example, with the dramatic increase in poverty during the past 20 years, it comes as no surprise that the poor and those dependent on state benefit perceive the vote as instrumentally ineffective. That such beliefs and doubts are rational is supported by much empirical evidence which concludes that voting helps

those who are already better off. Thus, the more reason there is to believe that voting is not helpful, the more reason there is to say that non-voting does not show consent.

Returning to the notion of consent for the moment, it is hardly plausible to interpret electoral abstention as consent (even tacit consent) to a voting system that helps reinforce socioeconomic inequality! Moreover, even if the poor were politically active (for example, if the unemployed or lone parents organised themselves into pressure groups), they may have no means of bringing effective pressure to bear if they are devoid of power. Even if organisations such as the Child Poverty Action Group mobilise pressure on their behalf, the poor have no real threats or sanctions they can bring to bear to force the hands of government. However well organised they may be, they cannot lay down threats to government of either of the kinds that powerful financial interests or organised labour can. Similarly, the old, the disabled and deprived ethnic minorities are even less likely to develop organisational structures to enhance their interests, given both the lack of resources at their disposal and the lack of consciousness of having definite interests to be protected in an organised way. The electoral insignificance of deprived groups has been highlighted by a 1997 Church of England report (cited in *The Guardian* 4/5/97 p.1) which accused the main political parties in the run-up to the 1997 General Election, of ignoring the plight of the poor, preferring instead to channel their energies into attracting middle class voters

One of the essential ingredients of political equality, building up from the voting system, is education. Higher education in particular has a striking effect on political interest, knowledge and sophistication. Klingemann (1979) found that education had more effect than other social variables on the ability to think about politics in an ideological way. He argues that analytical skills, more information and greater interest in politics enable the highly educated to adopt clear positions on hard political issues and vote in accord with them. (in Barnes & Kaase p.255-79) In contrast, Carmines and Stimson (1980) found that those with low levels of education are particularly likely to be easy-issue voters (eg. voting on emotive issues such as racial questions). (*American Political Science Review* Vol.74. p.78-91). In Britain today, educational reform under the Conservative government is moving down the path of transforming

the state education system into a two-tier service, in which most provision is made through a privatised system with a residual, very much second class service for those unable to pay. Individualism and competitiveness as root values are replacing notions of education as creating forms of social cohesion and solidarity and tending towards social equality. Thus, British society is characterised by inequality of educational opportunity, opportunities which are necessary to improve the extent to which citizens can decide questions on the balance of rational argument, rather than emotive reasons, and crucial to political equality. This background of political opportunity is presupposed or left unspecified in consent theory, and is, therefore, a legitimate question to be addressed.

Economic and educational inequality are not the only factors which question the liberal democratic notion of political equality. Feminists argue that women have never been admitted as full and equal citizens in any country known as a democracy. In discussions of empirical evidence which conclude that women are less politically active than men, it has often been taken for granted that differential rights and status are the result of 'natural' differences between the sexes and that women's proper place is in the private sphere of social life. British social policy has created an ever-growing body of legislation concerned with reinforcing the nuclear family as the norm. Legislation on sexuality, marriage, birth control, child care and mothering have all had crucial effects on our perceptions of what constitutes the 'normal' family, perceptions within which women are firmly located within the private sphere. It follows that women confined to the small circle of the family and without the experience of political activity will find it difficult to use their vote effectively in order to protect their interests.

Moreover, women's status as workers is as ambiguous as their status as citizens. Despite the so-called 'feminisation' of the labour force, many of the factors which determine female participation in the early stage of capitalist development continue to affect occupational choice, gender segregation and women's overall subordination at work. Persistent negative facets of women's employment, such as sex-typed jobs, low-ranking position and low comparative earnings reflect the continued operation of a

deep-seated belief in the nuclear family. Women's jobs are concentrated in secondary labour markets (such as the service sector - waitressing, cleaning, retail sales work etc.), forms of employment which are unstable, where job security and wages are low, there are a few opportunities for promotion, and working conditions are frequently poor. Thus, the structure of the labour market and the workplace, despite considerable restructuring in recent years, continues to pose complex problems for women's political equality and participation.

Once we recognise the constraints imposed on women, it is possible to reach a very different conclusion from the one which states that 'natural' differences make women unsuitable for political life. Pateman's reply to the question; 'What reasons do women have to participate in politics?' is "*very few indeed*" (in Duncan G. 1983. p.207), an answer I am inclined to endorse given the seemingly inescapable distribution of power.

Thus, we should take seriously the many influences on unequal political power prior to the vote. However, we need also to consider the political influence of individuals *after* the completion of the voting stage, in particular, the position of minorities. The discrimination suffered by minority groups clearly shows that one person, one vote, is insufficient to ensure that decisions operate fairly. For an individual who is in a permanent minority and indeed for one who is in a minority more than on average, the mathematics of representative democracy through the mechanism of the plurality vote has negative appeal. Actual cases relevant to my argument are those concerning ethnic minority groups. Blacks in Britain and Catholics in Northern Ireland constitute permanent minorities to which there is attached a history of prejudice, manifested not only in policy but in political speeches and common attitudes. Both suffer discrimination in terms of rights and opportunities (eg. employment, housing) and are, to some degree, spatially and socially isolated from the larger community. We can argue therefore, that in situations where the vote is used to the constant disadvantage of a minority, then the group in question does not have so strong an obligation to the government.

It follows then, that against the backcloth of inequalities such as those described above, the political equality we are said to possess when we all come to vote pales into insignificance. If this is the case, we also have a problem with political obligation. If we recall the arguments of liberal democratic theorists, we could now argue that only those socially and economically advantaged citizens with the greatest political influence owe a political obligation. However, writers within the liberal democratic tradition attempt to overcome this difficulty by employing the 'benefits' argument. That is, that individuals nevertheless benefit from or 'voluntarily take advantage of' liberal practices and institutions. So what are these benefits and how are they distributed?

THE BENEFACITOR ARGUMENT AND POLITICAL OBLIGATION.

The most fundamental 'benefit' emphasised by liberal democratic theorists is 'protection of the person' which is identified with the formal equality of citizenship. However, in what sense is the person protected? Could it be the protection of his or her life? If so, how then do we explain class differentials in mortality rates? An update of the Black Report carried out by Margaret Whitehead in 1986 revealed that, on average, death rates are still twice as high for adults and children in Social Class V as for those in Social Class I. (p.258). One contributory factor to this difference in mortality rates is industrial accident and disease. Are we to accept then, that an individual voluntarily takes advantage' of a capitalist system that is responsible for such hazardous effects on his or her health? I would argue that the conventional picture of 'protection of the person' is too narrow, focusing on assault/abuse by other persons. But if we embrace a broader conception of the individual, as a creature not just of the political, but also of social and economic life, then we can see how, for the state, protection is far from equal, thus highlighting the superficiality of the liberal conception of 'protection of the person'.

Let us look at another benefit, that is, equal treatment before the law. According to liberal democratic theory, all individuals who break the law are, in principle, equally

subject to the sanctions imposed on offenders, regardless of their social position. Yet numerous studies of the criminal justice system conclude that those of low socioeconomic status do not receive the same treatment at the hands of law enforcement agents as the wealthy. Although they are over-represented in the prison population, criminal activity is by no means confined to the poorer sections of society. Many affluent people commit crimes, the consequences of which can be much more far-reaching than the often petty crimes of the poor. For example, the detection of white-collar crime (tax, security and land frauds, embezzlement, illegal sales, the production and sale of dangerous substances, illegal environmental pollution) is usually fairly limited and convictions are rare. Why is this?

Of major influence are the stereotypical categories which shape the perceptions and responses of police and courts to the behaviour which they encounter. In other words, such selective discrimination depends to a large degree on criteria connected with the biases and prejudices of law enforcement agencies about certain groups and offences, and such things as the offender's social status, attitude and appearance. A good illustration of differences in judicial attitudes to white-collar and 'orthodox' crime is provided by Napes, who cites the case of an American stockbroker found guilty of illegal trading involving a sum of \$20 million. On the day on which he received a suspended sentence and a \$30,000 fine, the same judge gave a Black unemployed clerk a year's prison sentence for stealing a television worth \$100. (Napes G. 'Wall Street Journal 9/9/70.)

Thus, in the face of such institutionalised injustice, it is not surprising to find the working class and ethnic minorities over-represented in official crime statistics, given that such groups are more likely to fit the stereotypical views of law enforcement agencies. Moreover, as Pearce (1976) states:

"Concentrating on lower class criminals...is functional to maintaining the class system...If the criminals are also the social failures...then their criminality is caused by their inadequacies...and the major social institutions are not exposed to critical assessment." (p.81).

Overall, police and court perceptions do not result in uniform application of the law but involve highly selective decisions. These judgements emanate from the class relations between the powerful and the powerless; where the former enshrine their definitions of 'crime' and 'criminals' in legal statutes, and the latter are rendered incapable of mobilising the material and social resources necessary for their defence. In sum then, if actual examples of 'benefits' and their distribution are considered, then it is impossible to draw the reassuring conclusions about political obligation which many political theorists favour.

I have attempted, in the above discussion, to challenge the argument put forward by liberal democratic writers, that we all owe an equal political obligation to the government by virtue of our formally equal status as citizens. Through an examination of ideas such as consent and participation and their supposed linkage to the practice of voting, I can only conclude that the liberal democratic vote represents no more than a symbolic gesture of authorisation. My account has tried to give a central place to liberal democracy's most essential feature: namely, to the alienation by citizens, through elections, of their right to make political decisions. As a result, I cannot accept this alienation of political authority to representatives as creating 'political obligation'. The practice of political obligation should not be conceived as a *vertical* relationship (that each person can be said to owe an obligation to the government) but as a *horizontal* relationship, as an obligation which citizens owe to each other. In the following discussion I will attempt to construct a democratic model within which all citizens may evaluate their own actions, participate in their own decisions which may be reassessed, changed and revoked by them at any time, and where *all* citizens take part in creating their own political obligations.

DEMOCRACY AND POLITICAL OBLIGATION

In the previous section I argued that political obligation in liberal democratic theory was a vertical relationship of obligation, precisely because it is owed to the

government rather than to fellow citizens. Moreover, this argument must be given a voluntarist appearance; that is, such an obligation must be a self-assumed obligation otherwise the question of how and why 'naturally' free and equal individuals could be legitimately governed by anyone else at all cannot be answered.

My purpose here is to argue that our political obligation is owed first and foremost to each other. However, this view of political obligation as a horizontal relationship between citizens cannot be reconciled with the liberal conception of the political. It is compatible only with a revised conception of democracy within which the political sphere is not separated from everyday life, but is part of the *collective dimension* of social life as a whole. Thus, I will try to develop a theory of democracy which relates to our capacity to be autonomous moral agents but from a collectivist viewpoint. First however, we need to explore the theoretical arguments about the nature of democracy and its justification. It is necessary to distinguish particular kinds of procedure and arrangement and how they conform to specific ideals and principles which themselves gain our approval. If they do not, we need to look for alternative procedures. Thus, my conception of democracy must show how political life is constituted by rules that are grounded in the notion of the collective (an idea which itself will be clarified later in the chapter) . In such a society, the purpose of *democratic* political change is, as far as possible, to transform power relationships into relationships of authority in which citizens collectively exercise political authority. However, such a conception of democracy will be seen as mere utopianism by those writers who take a 'realistic' view of the political and insist that democracy is simply an arrangement for making decisions and thus cannot function as or embody an ideal. It is the 'realism' of these ideas which I need to challenge. Only after detecting and dealing with the deficiencies of this approach can I then proceed with developing a theory of democracy which takes account (and attempts to eliminate) the constraints imposed by particular facts about the circumstances in which we live or about human nature. First however, I want to explore the nature of democracy, using the more familiar British model as way of illustration. In order to fully grasp the implications of the following arguments, we need to be clear at the outset about what precisely we mean when speaking of

citizenship in the democratic sense. What is a democracy, what forms does it take, how far can we argue that we live in a democratic society?

DEMOCRACY: DIRECT OR REPRESENTATIVE?

Democracy, as the Concise Oxford Dictionary defines it means:

*"(State having) government, direct or representative: form of society ignoring hereditary class distinctions and tolerating minority views."
(Concise Oxford Dictionary 7th Ed. 1986. p.254).*

To discover how such a definition may apply to our existing political system we need to examine what *form* of democracy most closely resembles the British experience.

Consider the origin, rather than the definition of the term 'democracy'. In the Greek it denotes a form of rule by a section of the populace, the **DEMOS** as opposed to the rich or aristocratic. In turn, **DEMOS** could be used to denote the citizen body, the common people or simply the lower orders. (Graham 1986 p.13) Whichever way we may look at it, **DEMOS** does not appear to denote the entire populace, unlike the modern concept encapsulated in the slogan 'democracy is government of the people for the people by the people'. Taking this further, accepting that to govern is to rule, what does this imply? It could imply direct influence by the people over decisions, but more commonly, especially in the modern political sphere, it implies rule in the sense of selecting, in accordance with certain conditions, those who subsequently take decisions on the people's behalf. Initially then, our conception of 'democracy' should recognise these two senses of rule and corresponding to them, direct and representative forms of democracy. It could be argued that direct democracy is the basic form of democracy, thus, the idea of representative democracy implies representatives who replace or are 'present' instead of others. Therefore, in virtue of the meaning of the term, representative democracy is a substitute for something else and this something else can only be direct democracy. Thus, in the context of the British political system, we are referring to democracy in its representative form.

The system of political representation with which we are now familiar in Britain, can be traced back to the emergence of absolutist monarchies in the 16th and 17th centuries, which brought about a more centralised form of domination as the activities of monarchs successfully concentrated more and more power in their own hands.

These sovereign states, through the monopolisation of coercion, imposed laws and taxes over their territory which clearly needed functionaries to run it (notably powerful allies of the king). However, these gradually came to be replaced by administrators whose power no longer depended upon wealth or military success but on their official position. For example, professional lawyers became increasingly responsible for codifying and modifying a body of law which limited the arbitrary rule of the monarch. The establishment in the 17th century of what Poggi calls the 'rational administration by officials' culminated in bureaucracy and a rationalisation of politics. (Poggi 1978)

In late 17th and 18th century Britain at least, these trends were emerging alongside the industrial revolution, and the growing bourgeoisie (merchants, traders and manufacturers), feeling threatened by this centralised state if it was not represented in it, led to struggles to gain political representation. These struggles are often seen as establishing the conditions for capitalist expansion through the winning of dominance for Parliament and the constitutional regulation of the monarch. Such events aided the rise of capitalism through maintaining peace, protecting property rights, contracts and foreign trade, all of which aided the development of markets. Thus, the British road to capitalism gradually established the principles of representative liberal democracy, as first the commercialised landowners, then industrialists slowly established *notions* of individual citizenship and rights of political expression. However, the achievement of full voting rights for all adults is relatively recent, and, as my discussion of citizenship in Chapter 4 will show, had to be struggled for in the face of governments' reluctance to admit the principle of the universal franchise.

So how successful have these reforms been in establishing a representative system that may be perceived as just and democratic? For example, the representative's function is to speak and vote as those he or she is representing would have spoken or voted, had they been present. But is it possible for representatives to act in this way? When we consider that the representative is taking the place not of one but of many, with a variety of opinions, we encounter difficulties. Apart from the minority who did not vote for the candidate who obtained the most votes, there will be differences of opinion

among those who did. These problems have led a number of thinkers to focus on just how the notion of representation is to be specified.

One school of thought stresses the idea of 'resemblance', the reproduction in Parliament of a microcosm of the nation, representative in every way. Putting a left-wing view, Aneurin Bevan (1952) wrote that:

"..a representative person is one who will act in a given situation in much the same way as those he (sic) represents would act in that same situation. In short, he must be of their kind." (p.30)

But in a capitalist society such as Britain, social and economic inequality means that the pool of candidates with the time, financial resources, interest and knowledge to stand for Parliament and win elections is not drawn equally from all social groups. Furthermore, however much elected officials may resemble society on the day of their election, parliamentary and government experience changes their perspectives and interests. These problems have led some thinkers, most notably Rousseau, to deny that people can be represented. In his words:

"..the English are only free when they are electing members of parliament. Once the election has been completed, they revert to a condition of slavery. They are nothing." (Harrop & Miller. 1987. p.246.)

It appears then, that no selection process can guarantee resemblance, at least not in the context of substantive socioeconomic inequality.

However, there are other concepts of representation. We may not want representation by 'people like us' so much as by people who will act effectively on our behalf. This is the view of Edmund Burke who told his electors in Bristol:

"...when you have chosen him (the candidate) he is not a member of Bristol, but he is a member of parliament...Your representative owes you, not his industry only, but his judgement; and he betrays you, instead of serving you, if he sacrifices it to your opinion." (ibid p.247)

Thus, Burke stresses the independent judgement of the legislator, once elected. On this view, electors are voting for the candidate who will express their opinions and promote their interests, despite the possibility of disagreement between the former and the latter about how this is best done.

Nevertheless, this view would be rejected among those who see the legislator more as a 'foot-soldier for the political party. Thus, the candidate would be elected by those who identify with the party label and consequently expects the representative to be morally bound by its programme. Party identification refers more to a psychological attachment to a party, rather than a rational choice based on an instrumental assessment of the party's aims or policy packages. Party identification (or partisanship) therefore, has much to do with a party's public image and is one of the long-term influences on voting behaviour. During an election, a person's party identification will determine how issues and events are interpreted and evaluated, and thus serves as a filter through which political messages pass to the individual voter providing a framework within which political events are understood and evaluated. However, identifying with a party is not the same as voting for it. Party identification varies in intensity and can, of course, lead to party dealignment. Moreover, within this context, the bureaucratisation of political parties is inevitable - to achieve power, representatives must demonstrate absolute loyalty to the party machine which in turn displays the bureaucratic characteristics of rigidity and inflexibility, thus further undermining the democratic process.

So which notion of representation most closely resembles the British political system? Once the 'resemblance' view is rejected, we are left with the 'trustee model' advocated by Burke or choice made on the grounds of party membership. If we accept either of these views we are left with the more limited notion of representation as a choice between 'competing elites'.

ELITE THEORY.

My findings so far suggest that representatives do not vote as their constituents would have voted, nor are representatives microcosms of the nation. So what precisely are the functions of representative democracy? We now turn to one explanation, that of elite theory.

Elite theory embodies the recognition of the *reality* of our political system, a system where elites compete periodically for endorsement by the wider population, with that wider population playing little or no part in substantive decision-making. Writers within this tradition include Schumpeter, Dahl and Michels, whose ideas are briefly set out below.

Of central influence on elite theory has been Schumpeter's 'Capitalism, Socialism and Democracy' (1942), which attacks the 'myths' of democracy; including the belief that the 'people' hold a definite and rational opinion about every political question, and that they choose representatives who will see to it that their opinion is carried out. He concedes the possibility of a high degree of rationality within the individual's own personal experience from the personal sphere, there is a diminished sense of reality and a reduced sense of responsibility. This is most acute when we enter the national and international spheres, within which the individual is a member of an unworkable committee, that is, the committee of the whole nation. At this stage the initiative lies not with the individual (the voter) but with the candidate; the voter's choice is limited to accepting one of a small number of 'bids' made to him or her. Thus, for Schumpeter, democracy is simply one institutional arrangement for arriving at political decisions.

Robert Dahl reaches a similar conclusion to Schumpeter, albeit via a pluralist route. In 'A Preface to Democratic Theory' (1956) he concludes that the majority rarely rules, but that democracy must be characterised by the rule of minorities. He states:

"Elections and political competition do not make for government by majorities in any significant way, but they vastly increase the size, number and variety of minorities whose preferences must be taken into account by leaders in making policy choices. (p.132)

Moreover, the political process is identified as one:

"in which all the active and legitimate groups in the population can make themselves heard at some crucial stage in the process of decisions." (ibid).

But what does this mean? Could we not argue that an 'inactive' group is unworthy of an effective hearing if it cannot be bothered to attempt to influence decisions?

However, when Dahl speaks of an 'inactive' group, this activity could be due to 'free choice, violence, intimidation or law' (ibid). Similarly, the qualification 'legitimate' may also restrict activity. For example, legitimate could mean those whose activity is seen as lawful and conforming to the standards of the active majority. Thus, some groups may be denied the opportunity of being heard effectively because their activity is not considered right or proper by the majority. For Dahl, any theory of democracy applicable to reality must have as its central feature a system in which minorities rule.

Other elite theories would include the work of Michels (1915). Based upon an extensive examination of modern European systems and bureaucracies of all types, Michels concluded that there was a natural, necessary and inevitable tendency within all social structures towards oligarchical control. According to his famous 'iron law of oligarchy' it was an inescapable fact of human experience that a dominant minority class must exist in society, with the equally inescapable consequence that the majority cannot rule. A more recent theorist Paul Corcoran (1983) agrees with Michels rather fatalistic conclusion. For him:

" the brute fact remains that democratic politics cannot prevent the creation of remote, stable and entrenched centres of power which tend to promote general apathy, cynicism and ignorance about politics among the masses of people." (p.19)

Such pessimistic views have been supported by reference to certain 'facts' of social life, namely the size and complexity of modern society. The volume of decisions which modern governments have to make, their complex and technical nature, mean that the average individual simply does not have the knowledge or interest to make a significant contribution to those decisions. But to cite existing 'facts' is to do that and no more. It does not demonstrate that existing structures are fixed or that people's perceptions of what is possible might not change in the future. For example, systems can be devised (or already exist) which can overcome the technical or organisational difficulties stressed by the elite theorists. Technological systems are already in place which could implement the proposal put forward by R.P. Woolf (1976) for an 'instant, direct democracy'. (p.34). The development of computer technology and cable television allowing a 2-way flow are clearly relevant. Today, a consumer can purchase

goods through 'television shopping', place votes for participants in talent shows, so why not votes on political matters requiring social decisions? Such a procedure can be assisted by television briefing sessions and debates and the employment of experts to provide relevant data and make recommendations. Fishkin's analysis of a 2-way cable television network in Columbus, Ohio led him to conclude that there is no problem about the technical feasibility of large-scale political participation. Thus, the more optimistic view of information technology (see Stonier 1983, Toffler 1981, Bell 1980) incorporates the belief that it will open up many opportunities for direct democracy as citizens are able to vote 'on-line' via their home computers or cable TV. on issues of local and national importance, assisted by an increased knowledge via hypertext systems to access vast quantities of information. It appears therefore, that there are no technological obstacles to Woolf's 'instant, direct democracy'; in fact, technology reveals the ways in which and the extent to which, a given ideal may be embodied in actual social relations.

Another feature of elite theory we may take issue with is the idea that active political participation is unnecessary, given the ability of liberal societies to function with an apathetic populace. I discussed earlier empirical studies which portrayed the ignorance and apathy of the electorate, yet it is possible to cite evidence which stands in opposition to these findings. For example, Keys (1966) suggested that voters behaved rationally and responsibly given the existing political arrangements, the lack of alternatives and the information available. Other studies depict the electorate as far more disposed to align their voting behaviour with preferences than out of blind habit or tradition.(Graham. 1986. p.133). Nevertheless, one cannot deny that apathy does exist, but we do not have to accept that such behaviour is irrational. I have already drawn attention to the fact that if citizens correctly perceive that they do not belong to the most powerfully organised political groups, and that, in consequence, any efforts they make will be relatively ineffectual, then their 'apathy' can be viewed as rational.

But leaving aside questions of technology and human ignorance, there is one aspect of elite theory that, at first sight, is more difficult to challenge. This is Michels argument that it is facts about human organisation which dictate exclusion for all but a few. In

other words, the 'iron law of oligarchy' expresses the tendency for a group to emerge and formulate a will of their own. Their position gives special knowledge which is transformed into an overriding claim to have their opinions respected and their suggestions implemented. I have accepted elsewhere that political influence tends to be concentrated in the hands of small powerful groups, but we also need to explain why elites flourish the way they do. It can be argued (indeed forcefully) that it is inequalities in wealth and education which produce elites; that those inequalities are themselves socially produced rather than the result of an 'iron law'. Thus, if the creation of elites is the product of social arrangements, then the possibility exists for changing those arrangements. In the language of Herbert Marcuse, capitalism has seemingly produced a one-dimensional mentality unable to envisage any alternative to what currently prevails. And it is a difficult task indeed, to present empirical evidence to argue that history stands still.

The fundamental problem with elite theory is its empiricism. Empirical theories can be traced back to the ideas of David Hume, who is often thought (debatably) to have argued that there is an unbridgable gulf between statements of fact and statements of value. For him, normative judgements or judgements of value are not susceptible to truth or falsity and should therefore be treated with caution, if not avoided altogether. Consequently, researchers have attempted to engage in 'scientific' objective and value-free theorising and elite theory is no exception. Yet an emphasis on facts and 'reality' has caused elite theory to side-step alternative explanations. Factual evidence may be of essential importance but so is the interpretation of it. For example, empirical data on people's voting behaviour can be open to quite different interpretations; and the interpretation adopted will depend on more general theories and values. Moreover, there is always a danger that an insistence on the supreme importance of empirical fact may also serve as a justification of the status quo, introducing a presumption that reality is fixed. Uncritical empiricism leads to a persistent tendency to emphasise prescription and remedy at the expense of a wider diagnosis based on evaluation and explanation. By taking existing arrangements for granted, we are left with piecemeal reform at most. Thus, an examination of the facts as presented by elite theory, might lead us to ask why theorists label the existing system as a democracy at all? This in

turn raises the question of what alternative arrangements would sit more comfortably with the democratic ideal I want to construct in the following sections.

I have stated from the outset that my overall objective is to construct a democratic model within which our political obligations are owed to fellow citizens rather than the state. It follows then, that I must cite the grounds on which democracy is to be favoured; for example, should our democratic ideal be based on the principles of equality and fairness? Through such an approach, questions will emerge as to why anyone should be in favour of adopting democratic procedures, and why they should abide by them in circumstances where their individual autonomy is likely to be curtailed. Thus, we need to recognise the possibility of conflict between the individual and the collective. It is appropriate to start by addressing what is often regarded as one of the most fundamental grounds for democracy, that is, the principle of liberty.

FOUR CONCEPTIONS OF LIBERTY.

Individuals have the capacity for a range of experiences, emotional, moral and other kinds; we are also capable of understanding our surroundings to some degree and of formulating intentions to change those surroundings. Also, it is plausible to say that it is important for these capacities to be under one's *own* control, rather than someone else's. We can connect these human attributes and democracy by emphasising democracy as a kind of 'self-rule' rather than rule by others. Thus, the extent of one's autonomy in exercising one's capacities of the kind described above must be a question of crucial importance. For these reasons, the connexion of liberty with democracy is a good reason for valuing the latter. However, the concept of liberty is not straightforward and requires a consideration of a number of conceptions.

It is usual to separate the writers on the subject of liberty into two categories. On the one hand are those who contend, to different degree, that the freedom of the individual ranks very high in most possible lists of characteristics that must be present in an ideal society. These writers advocate 'negative liberty'. Berlin (1969), for example, favours

a conception of liberty which has as its core the idea of non-interference; liberty in this sense concerns the extent to which an individual

"is or should be left to do or be what he (sic) is able to do or be without interference from other persons." (p.131).

Hayek is also a proponent of negative liberty; the opening lines of 'The Constitution of Liberty' (1960) are to the effect that freedom means that in condition in which

"coercion of some others by some others is reduced as much as possible in society." (p.12)

Mises defines freedom as that state of affairs in which the individual is free in the sense of being free to choose between various actions in a market economy. For him, only capitalism can guarantee true freedom (through the cash nexus) and it arose in the process of social development.

Advocates of 'positive liberty' on the other hand, are concerned with the *source* rather than the area of control, and its core is the idea of self-mastery:

"I wish my life and decisions to depend on myself, not on external sources of whatever kind, I wish to be the instrument of my own, not of other men's (sic) acts of will." (Berlin 1969. p.131).

Such a concept of liberty would include the positive fact of *choice* rather than the mere negative fact of non-interference. Norman (1982) stresses the importance of equality, for him liberty and equality are interdependent. He argues that equality in the areas of social power, wealth and education enable us to make choices which ultimately produce greater freedom. However, this is not the appropriate place to engage in the ongoing debate over the conflicting conceptions of 'negative' and 'positive' liberty. Indeed, in an attempt to avoid this, Rawls in 'A Theory of Justice' (1972) focuses on the relative value of different liberties rather than the definitions.

Rawls two principles of justice are first, that everyone is to enjoy the most extensive liberty compatible with equal liberty for others, and second, the 'difference principle' which holds that material inequalities must work to everyone's advantage (that is, that inequalities must either make the worst off better off or not disadvantage them further). However, the first principle must take precedence over the second. This is because, for Rawls, these principles presuppose a division of the social structure into two parts; the

realm of citizenship where liberty is inviolable and equal, and the realm of socioeconomic relations, where considerable inequality may prevail. Thus, the inviolable sphere is the one in which individuals act as citizens and is essentially a political sphere. We could argue that what Rawls is supporting then is civil liberties such as freedom of speech, assembly and association, liberty of thought and conscience. But why single out civil liberties? Most basically, because they connect with rationality. If we believe it is important that people have control over their own lives, that they formulate and realise projects in accordance with their own conceptions and decisions, then we must believe that they are capable of doing so sensibly, (through planning social policies, for example, to realise these conceptions) and not in an idiotic or self-defeating way. This point is of crucial importance for our democratic ideal; the introduction of civil liberties which relates to our capacity to be rational self-governing agents, is an important starting-point for our model of decision-making. That is, a procedure for conducting human affairs through the force of rational argument and judgement. Nevertheless, despite Rawls' attempts to bypass the question of whether liberty should be defined negatively or positively, he ends up with a negative view similar to Berlin's, in that within a principled limit the economic and social sphere looks after itself. Thus, although an emphasis on civil liberties is important, we need to look elsewhere for a more satisfactory and exhaustive definition of liberty.

Graham (1986) puts forward a view of liberty which embodies both freedom from interference and freedom as self-rule. Graham accepts the importance of civil liberties for autonomous individuals but states that the negative idea of free *from* is too narrowly constrained; generally through confining the notion of constraints to deliberate human intervention. In our model of decision-making it was emphasised that individuals should be capable of conceiving plans, goals and objectives and acting to realise them in accordance with their own formulated intentions. But constraints on autonomous action can be factors other than actions of human beings. For example, lack of material resources or the particular institutional arrangements of a given society may prevent me from pursuing a chosen project (although from the point of view of methodological individualism it can be argued that these arrangements are also

reducible to the actions or inactions of human beings). Graham calls his approach the 'integrated view' for a number of reasons. First, it integrates the different kinds of constraint which limit autonomous action (inadequate resources, oppressive laws, the socioeconomic structure). Second, his view integrates civil liberties with liberties connected with socioeconomic position; for example, my economic circumstances may be an obstacle standing in the way of conscientious action and is thus a denial of my rational autonomy. Through such an approach, Graham is therefore making a distinction between *lack* of freedom and *deprivation* of freedom ; in other words, constraint by identifiable human agency is not the only form.

In relation to democracy then, it could be argued that the negative concept of liberty confines questions of democracy to the traditional political sphere. If we support (which I do) Graham's 'integrated' view, we are able to recognise that the grounds for supporting democratic arrangements require democratisation in other areas of social life.

EQUALITY: FORMAL AND SUBSTANTIVE.

Following Graham's 'integrated' view of liberty, we arrive at another fundamental principle on which democracy should be grounded; that of equality. We may recall Rawls' two principles of justice in which his first principle which provides for liberty, takes precedence over the second principle, which allows material inequalities only where they work to everyone's advantage. But equality should also carry an independent weight in democratic theory because it implies the elimination of disadvantage which acts as a constraint on liberty (broadly conceived). As we have seen, the liberal democratic voting procedure supposedly embodies a kind of equality through 'one person, one vote'. However, it was also pointed that such a procedure was inadequate for the realisation of political equality. Thus, it is necessary to find a place for political or formal equality of some form in our developing conception of democracy. The question I must now address therefore, is what the extents and limits of formal equality must be to satisfy the requirements of democracy.

Almost everyone agrees that the exclusion of children from the decision-making procedure is justified, usually on the grounds that children lack political knowledge or the ability to reach responsible judgements. But can we not argue that adults differ in these respects too? If so, then it is reasonable to suggest that political power should be unequal. A possible solution to this problem has been the suggestion that there is some characteristic which all individuals possess, the degree to which one has it being irrelevant. Theorists have thus attempted to identify characteristics which are closely connected with the existence of individuals as *moral* beings.

Rawls (1972) cites one such characteristic; it is, he says, moral personality, which is identified as the capacity for having a rational plan of life and a conception of justice. For Steven Lukes (1973), it is the capacity for autonomous choice and action. For these writers, the possession of such characteristics are bases upon which equal *treatment* should be accorded. But should we talk in terms of equal treatment as a principle of formal political equality? To view equality in such a way is to treat citizens as *recipients*. If we recall that democratic theory is concerned with a distribution of power where the people rule, then we are not concerned with whether they just receive a certain kind of treatment. This is to fail to give equal power by virtue of their role as moral *agents*. So if we value a system where people rule, then it becomes increasingly difficult to isolate the principle of equality to one area of decision-making. It follows then, that the most undesirable form of inequality is one which excludes people from contributing to the shaping of institutions which in turn influence their lives; and precisely because so many other aspects of social arrangements have an effect on the decision-making sphere, any discussion of equality must begin by considering the features of a democratic *society* rather than focusing exclusively on the features of a democratic *polity*. In other words, in our discussion of equality, our primary concern should be with substantive socioeconomic inequality rather than formal political inequality. Capacity requires, indeed depends, on socioeconomic conditions, thus the polity in the good society is shaped and , in turn shapes, its socioeconomic features.

I have already made reference to the way in which inequality of wealth in societies such as ours may result in inequality of political influence. However, to remedy this situation, we are concerned not only with a more equal distribution monetary wealth; we also require a definition of the level of need satisfaction. In the matter of needs and considering how things presently are, we surely know enough about human beings to be able to say what common basic needs must be catered for to make possible a decent human existence for all: adequate nutrition, housing, clothing and fuel, proper medical care; some meaningful and agreeable work, and the possibility of significant amounts of free time from work for political and recreational activities, with some resources given to these ends. Equality of incomes would then occur over and above this satisfaction of basic needs. It follows then, that an equalisation of wealth gives us more opportunity to direct our own lives in accordance with our own desires and intentions, including the opportunity for political participation.

But even if this were achieved, equality in other areas of social life needs to be pursued. For example, we would need to take seriously equality of education for participation in the democratic process. The more knowledge and understanding we have (through greater access to educational opportunities) the more we are able to think rationally and coherently, and the more successful we shall be in controlling our environment, carrying out our wishes and satisfying our desires.

At this point however, it should be acknowledged that equality is a problematic value because it is always on some specified dimension and compatible with, or even requiring, inequalities in other dimensions. For example, if a primary objective is to make well off those who are badly off by way of certain policies, there will be occasions when we shall do so by securing a certain inequality. One such policy would be concerned with transferring resources (for example, wealth through progressive taxation) from those who are better off to those who are badly off. Of course, the limit of transfer is open to debate but obviously (significant) distress must not be increased by the transfer of resources. That this method may have the effect of reducing the *absolute* well-being of the better-off is a fact that must be overridden by the moral priority of achieving equality.

Moreover, the pursuit of equality also includes the struggle for equality of opportunity which, amongst other things, may be taken to consist in the use of certain resources including peoples' abilities and freedom from unfair discrimination. It follows that if it is the case that some individuals are less capable than others, we shall sometimes do best by securing that they have more opportunity. For example, we are already familiar with the idea of using more resources for the less able in education. Moreover, remedying unfair discrimination (eg. on the grounds of race, gender, sexual orientation etc.) requires steps to be taken which will attack the problem at a structural level. Thus, positive discrimination programmes could be considered in cases where opportunities for the individual are restricted on *irrelevant* grounds (although obviously such programmes would be a temporary measure designed to eliminate the sort of society in which systematic unfair discrimination necessitates their implementation).

Nevertheless, I would argue that, overall, emphasis should be placed overwhelmingly on the inequality of structural power relations, in particular the relations of production in a class society. I will be offering a fuller account of this Marxist position later in the chapter (and again in Chapter 3) but to briefly summarise: Marx argued that capitalist relations of production give the class owning the means of production a pervasive power over the other, not just in economic life, but in the making of decisions about the life of society as a whole. In contrast, egalitarian relations of production would consist in the common ownership and popular control of the means of production. These would give people power over their own lives, and especially over their working lives. They would constitute a democratic society in which all would share equally in the making of decisions and choices about the organisation and direction of economic and political activity, in place of a society in which most people have these choices made for them.

It is possible then, to cite liberty and equality, which does not undermine the status of human beings as autonomous, rational agents, as the foundation of democracy. However, I have yet to resolve the dilemma of a clash between the individual and some

collective entity responsible for making and implementing decisions which impinge upon that individual. In what circumstances do we owe a political obligation to a collective, and does this obligation still hold when we believe a decision taken to be a mistaken one?

AUTONOMY, COLLECTIVISM, AND POLITICAL OBLIGATION.

The philosophical anarchist Robert Paul Wolff gives first place to personal autonomy and individual responsibility and second place to political obligation. For him, every person is morally responsible for his or her own actions and has a moral duty to take *full* responsibility for those actions. Essentially, people have an obligation to make up their own minds about what is the best thing to do and then to act on that judgement. In fact, Wolff believes that this is the supreme moral obligation people have. His view is similar to the one expressed by Thoreau who wrote:

"The only obligation which I have a right to assume, is to do at any time what I think right." (Bedau 1979. p.28)

Thus, both Wolff and Thoreau are embracing the principle of autonomy: that we have a duty always to follow our own conscience, rather than allowing some other agency to determine how we shall act. However, it is possible to envisage circumstances where the curtailment of autonomy is consistent with a principled commitment to autonomy. For example, if someone wants to kill or injure me (for pleasure or gain) then the carrying out of his or her autonomous actions will interfere with my ability to carry out my autonomous actions. Inevitably, in this situation someone's autonomy is violated, and in accordance with the conditional principle to violate the autonomy of the attacker rather than permit the violation of the victim's autonomy is justified.

However, while Wolff is correct to stress the value of personal autonomy, he overlooks the implications of both our need to cooperate with others and the respect we owe to others as autonomous beings. As Robert Dahl (1970) has argued, if preserving our autonomy were the only important goal, we would have to be hermits or dictators or find people to live with who always want to do just what we want. (p.8-11). But human beings impinge on one another via the projects they conceive and their attempts to realise these projects in action. Thus, autonomy consists not just in making up one's mind but in acting upon it. Returning to Wolff's argument, I have an obligation to take responsibility and think out how I am to act. But if I regard autonomy as a supreme value, I must also be prepared to extend this value to others and universalise this claim.

Thus, any regard for autonomy must extend beyond the boundaries of the individual and must be manifested in action.

So on what grounds can we justify a curtailment of autonomy? First, it is possible that forfeiting a degree of my autonomy with respect to a particular decision taken may greatly increase the probability of my making many more autonomous decisions in the future. For example, in studying for a degree I decide to conform to the rules and fulfil the obligations set down by the university because I believe that the useful knowledge I will gain will increase my autonomy at a later date.

Second, anyone who relates to others as equals must sometimes defer to their wishes or judgement. Thus, an individual who makes a promise limits his or her autonomy by being bound to take certain actions. So, if I make a promise to meet a friend in a pub at 7 o'clock, it would be morally unacceptable to arrive at half-past eight or not at all, simply because I had found something better to do. This is because when entering into a relationship of obligation, we then acquire a reason to act in accord with what these relationships require. So what of political obligation? We can argue that the more autonomous decisions there are in favour of a political action, then autonomy will be curtailed if that option is rejected. By extension, if most autonomous decisions are in favour of a certain political option, then autonomy is maximised if that option is accepted. In short, the requirements of autonomy themselves appear to justify the acceptance of majority decisions. However, this leaves no room for forms of democracy where decision-making lies in the hands of a small group, with relatively little direct control by the populace. In other words, there is no place for the representative form of democracy which is characteristic of British society. Thus, any relationship of political obligation can only be justified where decision-making involves the participation of *all* citizens (encompassing a notion of citizenship yet to be clarified) Nevertheless, it would be naive to suggest that conscientious resistance to collective decisions would never be justified in these circumstances, and if it is, we need to know when and why.

In order to explain why an individual should abide by a collective decision we need to examine what moral weight a collective carries. Graham (1986) offers the useful concept of 'ontological collectivism' to show how collectives, as well as individuals, may be viewed as appropriate objects of moral appraisal. That is, he challenges the view, put forward by theorists such as Wolff and Nozick, that the only proper objects of moral appraisal are the individual's actions, attitudes and so on. Using the examples of a jury and a committee, Graham argues that there are some entities which although consisting of nothing over and above individuals, it is not as *individuals* but only as members of the collective that these individuals have any role in the process which constitutes that collective's deliberations and actions. By focusing upon 'ontological collectivism' Graham is arguing against the view taken by Wolff and Thoreau that I must retain for myself the final decision how to behave, and that I am causally responsible for actions following that decision. He concedes that this may be true with the respect to the behaviour of an *individual moral agent* but not with respect to the behaviour of a member of a collective, for the latter is at most only partially responsible for what the collective does, and so the objection of causal responsibility which is used to resist the implementation of social decisions has been removed. For example, a member of a jury is not solely responsible for the verdict passed, it is only his or her contribution to the decision of the jury as a *collective* entity which is significant.

At a theoretical level then, we have a situation where a number of individuals, with good reason, *voluntarily* and *explicitly* form themselves into a collective with specific and definite purposes in mind. It is then appropriate to think of myself as a member of that collective. We can now ask what the precise nature of an individual's contribution to the decision-making of the collective would be. One form could simply be uttering the words 'I promise' which constitutes not only the description but also the performance of the action itself. But what of those members who are not willing to promise? It is certainly possible for a collective to make a decision not agreed by all members. One option is, of course, majority decision. Acceptance of majority decisions is no longer stigmatised because, if we recall the jury example, the reason to reserve one's autonomy (complete causal responsibility for the outcome) has been

removed. Indeed, if individuals view themselves as members of a voluntarily formed collective, and concede that their dissent may obstruct the achievement of consensus, then a willingness to give way may carry the same moral weight as compromising one's own convictions. However, the primary aim of the collective should be to achieve initial unanimity, and if this appears unlikely, then it should be possible to postpone a collective decision in the interests of further discussion with a view to achieving consensus.

The above scenario has implications for our democratic ideal of equal citizenship and political obligation. To be a citizen of a cooperative association is to owe the other members a political obligation; it is a horizontal relationship which we owe to each other as *equal citizens* rather than a vertical relationship of obedience to the state. In our new democratic polity we owe other citizens the same behaviour we expect from them. This is because the polity of the good society is a cohesive collective entity, which speaks in the name of its citizens and justifies its actions in terms of their interests. Citizens' rights and opportunities, together with the material resources which give such rights and opportunities meaning, are the outcome of collective efforts. Thus, political life in the good society is a shared life, a collective experience - the individual citizen is a *social* being, not a theoretical abstraction as liberal democratic theory would suggest. For these reasons, citizens constitute and recognise themselves as forming part of a collective, and their political identity is an important element in their conception of themselves. In the good society, citizens have the security of the collective as their business, indeed, we are citizens *before* we are private individuals. Thus, it may be that we may, as private individuals, find some laws, policies or decisions disagreeable or burdensome, but if dissent threatens the moral quality of collective life, then individual autonomy (in the sense of disobedience) must be curtailed.

But saying this, our political obligation does not imply that respect for individuals, in different forms and in different contexts, be eradicated. We still retain the duty to consider our actions, and we need not absolutely put ourselves in the control of others. Moreover, we retain the duty to assess the system of which we are members and to

ensure, if we choose to live within it (and travel its highways!), that it is a just and fair system for *all* members. The polity we create must respect the right and duty of citizens to examine its laws and policies, and freely decide whether such laws and policies benefit or harm the community, and in the case of the latter, whether they have an obligation to criticise, protest and in specific circumstances, even perhaps disobey. If we decide that the system is as fair and just as it can be, then we owe a political obligation, and it is through this horizontal relationship of obligation, that we do our fair share to support the system. This implies direct democracy, where all individuals' judgements are accommodated, which in turn requires maximum citizen participation, rather than relinquishing this to other individuals.

However, this is not deny diversity of function. Different functions may be performed, but the nature of that function and who performs it will have to be justified in terms of relevant criteria. For example, it may be fair to exclude someone from the university hockey team on the grounds of inferior ability but not on the grounds of race. Again, Aristotle makes this point well using the example of flute players. The best flutes are given (although not in a market economy!) to the best flute players not to those who are nobly born. For Aristotle, the sole consideration must be ability at the work which has to be done, in this case flute-playing. (Mulgan 1977 p.61) Nevertheless, we shall need to address the question of how the required level of political participation is to be achieved, and it is to this problem that we now turn.

PARTICIPATION THEORY.

We have seen that any democratic system must, by its nature, involve *some* degree of participation. Our problem now is where to fix that degree between minimal participation over social decisions and total involvement at every stage of every decision. We may recall, through our discussion of elite theory, that there is a high degree of apathy among citizens, and we now examine an approach which puts forward a number of suggestions about how participation may be increased. Commonly known

as participation theory, it includes the work of Rousseau, G.D.H Cole and Carole Pateman.

Rousseau's entire political theory in the 'Social Contract' (1762) hinges on the individual participation of each citizen in political decision-making. Individuals enter a reciprocal agreement with each other not just as individuals but also as legislators. Thus, they enter into an agreement, collectively, to make laws for themselves as citizens, and to obey those laws as individuals. Political obligation, in Rousseau's political association, is thus owed by citizens to each other and binds them in a horizontal relationship together. (Ryan 1983 p.39-58)

Rousseau also argued that certain economic conditions were necessary for a participatory system; he advocated a society of economic equality and economic independence whereby:

"no citizen shall be rich enough to buy another and none so poor as to be forced to sell himself." (ibid. p.96)

But in order to preserve this equality, Rousseau also wanted individuals to be interdependent to ensure that the only policy that will be acceptable to all is one where advantages and disadvantages are equally shared. The policy result is that the 'general will' or the 'political morality of the common good' is always just (affects all equally). However, for Rousseau, the central function of participation is an 'educative' one (in the broadest sense). Through the participatory process the individual learns to consider matters beyond his or her own private interests, if the cooperation of others is to be secured, and one also learns that public and private interests are linked. Moreover, the participatory system is self-sustaining in the sense that the more a citizen participates, (assuming he or she wishes to) the more he or she is able to do so, through increased knowledge, skills. opportunities and so on. .

Building on Rousseau's argument that the 'will' is the basis of social and political organisation, G.D.H. Cole in 'Guild Socialism Restated' (1920) argues that the individual is:

"most free where he (sic) cooperates with his equals in the making of laws". (p.104-6).

The idea of participation is central to his theory.

For Cole, like Rousseau, there could be no equality of political power without a substantive measure of economic equality.

"Theoretical democrats" he said, ignored "the fact that vast inequalities of wealth and status, resulting in vast inequalities of education, power and control of the environment, are necessary fatal to any real democracy, whether in politics or any other sphere." (ibid)

Cole proposed an elaborate system of guilds which involved maximum participation and face-to-face discussion at the basic level, with representatives elected to subsequent layers of decision-making up to a National Commune, with all representatives subject to recall. The horizontal (political) structure was to give expression to the 'communal spirit of the whole society'. Each town or country area would have its own commune where the basic unit would be the ward, again to allow for maximum individual participation.

For Cole, the educational function of participation is crucial, arguing that it was only participation at the local level and in local associations that individuals could 'learn democracy'. In Cole's view, industry provided the all-important arena for the educative effect of participation to take place, for it is in industry that, outside government, the individual is involved to the greatest extent in relationships of superiority and subordination.

Carole Pateman similarly argues that one reason for making industrial participation central, is that abolishing the distinction between 'managers' and 'men' would go a long way towards the economic equality required for equal participation. In 'Participation and Democratic Theory' (1970) Pateman distinguishes between 'pseudo-participation' (where employees are encouraged to question decisions); 'partial participation' (where employees have some influence over decisions but the final power rests with the management); and 'full participation' which is defined as:

"a process where each individual member of a decision-making body has equal power to determine the outcome of a decision." (p.71)

Through presenting empirical evidence on participation in the workplace, Pateman argues that participation has an important psychological impact on workers increasing the sense of dignity and worth of the individual and enhancing job satisfaction. However, she also concedes that much of the evidence is about partial participation, and suggests that the low existing demand for higher level participation in the workplace could be partially explained as ***"an effect of the socialisation process"***. (*ibid. p.14*) which fosters in many workers a feeling of powerlessness against authority and an incapacity to take effective action in one's own interest.

The problem with participation theory is partly one of motivation and partly one of expertise and social organisation. Although the empirical evidence cited by participation theorists (particularly the work of Almond and Verba) suggests a significant desire for greater participation on the part of employees, this is far removed from a wish to become involved in wider political processes. Moreover, even for those with significant leisure time and political interest, it is extremely unlikely that they will equip themselves with the knowledge of all the different areas where expertise is required.

Furthermore, there are strengths and weaknesses in focusing upon industry. The strengths lie first, in highlighting evidence which suggests that diminished autonomy in the workplace is a situation only grudgingly accepted by employees. Second, it stresses the need to examine institutions and structures of authority which lie outside the political process. The major weakness however, is that in today's society of high unemployment, structural adjustments to the labour force and demographic change, many people do not spend their lives in the workplace. Moreover, within the productive sphere itself, we are witnessing fragmentation: instead of unified trade unions dominated by the male manual worker, we have more variegated workers' organisations in which white-collar and professional workers, and women in all occupational groups, are playing larger roles. Thus, participation theory needs to be transformed into a much wider theory, which draws other institutions and more varied

and fragmented social movements into the debate. Similarly, given the emphasis placed by participation theorists on economic inequality, it is also crucial to discuss patterns of ownership of substantial resources and how such patterns may be changed. In sum then, participation theory offers valuable insights into how political participation may be increased, and the importance of participation as an educative device, but it needs to be more radical in its recommendations. This is an appropriate place therefore, to turn our attention to the work of Karl Marx.

MARXIST THEORY.

In one way, a discussion of Marx's ideas is continuous with that of participation theory; it is a theoretical proposal for change, rather than merely a description and explanation of existing reality. However, Marx's theory is not in the first instance a theory of democracy, but what he has to say about the means of emancipation which must be adopted by the working class, and the connexion between political life and other material aspects of society, all suggest a concrete application of the subject of collective decision-making by free, rational agents.

Marx believed that to understand the development of a society it was necessary to build up a concept of historical change, and stated that it was material economic forces which lay behind the transition from one type of economy to another, or 'mode of production' to another. Marx argued that class divisions only arise when a surplus is generated and it becomes possible for a class of non-producers to live off the productive activity of others. Those who are able to gain control of the means of production (factories, raw materials, tools etc.) form a dominant or ruling class both economically and politically. For Marx, each mode of production, for example feudalism, would destroy itself and create the conditions for the next, in this case capitalism. Increasing demands for more production within each economic system inevitably lead to changes in the forces of production (the way things are made) yet the existing social relations of production (class position) are vigorously defended. This conflict of interests results in the destruction of the old system and the creation of a

new mode of production which will have a new social relationship compatible with the changed forces of production. Under capitalism, the two 'hostile camps' are the bourgeoisie (those owning the means of production) and the proletariat (the vast majority who are forced to sell their labour power in return for a wage). However, according to Marx, the proletariat (or working class) surrender part of their production without receiving anything in return, this is 'surplus value'; surplus value is the mechanism by which the capitalist class exploit the workers, it is the value of surplus labour for the capitalist and is thus extracted at the expense of the working class.

For Marx, the mode of production of material life (or economic base) conditions the social, political and intellectual life processes in general. This leads him to argue therefore, that:

"...it is not the consciousness of men (sic) that determines their being, but on the contrary, their social being that determines their consciousness". ('Preface to a Contribution to the Critique of Political Economy'. 1859')

This sketch of Marx's view of production enables us to understand his view of politics. For him, the state, parliament and the entire political sphere do not occupy neutral ground in which success is obtained purely on the basis of rational argument and numerical appeal. Indeed, political freedom is only related to the formal political sphere which itself forms only a segmented part of the social totality. Thus:

"...just as the Christians are equal in heaven, but unequal on earth, so the individual members of the nation are equal in the heaven of their political world, but unequal in their earthly existence of society." (Levin 1983 p.82)

For Marx then, the liberal democratic notion of politics is fraudulent, involving the leadership's betrayal of the class interests they are supposed to represent.

Marx's theory is an explanatory theory which provides us with a view about the social change to be effected and its relation to democratic procedure. Thus, the task of the proletariat is to bring about a situation 'where capital is converted into common property, into the property of all members of society'. This proposal for a fundamental transformation of productive relations therefore implies a transformation of the whole

of social relations. It follows then that a political revolution is also necessary for a social revolution. What are the conditions for its occurrence?

Marx stressed emphatically that the revolution to emancipate the working class had to be achieved by the *working class themselves*. A means of achieving this would be through a system of universal suffrage, that it be:

"transformed from the instrument of fraud that it has been up till now, into an instrument of emancipation". (Fernbach 1974 p.376-7)

Similarly, Engels saw universal suffrage as providing an index of the degree of support which has been won, thus warning against untimely action or inaction. (Evans 1975. p.137.) Nevertheless, it would be erroneous to interpret Marx as suggesting the employment of liberal democratic institutions as they *presently stand* (that is, reflecting the capitalist economic base), political institutions would themselves need to change in our ideal democratic society.

Marx's crucial emphasis on self-emancipation has often been overlooked by many Marxist commentators who tend to adopt a 'broadly-defined' Marxism which combines Marxist/Leninist theories. Thus, it is prudent, from a democratic point of view, to refer briefly to Graham's analysis of Marx in which he argues for the need to put a theoretical distance between Marx and Lenin. Graham points out that the tragic fate of Marxism was that it was 'Leninised'. Through an examination of Lenin's writings Graham draws attention to Lenin's emphasis on emancipation from *outside* the proletariat through the process of 'vanguardism'. That is, Lenin argued that most workers are incapable of developing the necessary political consciousness, thus emancipation depends crucially on some other, smaller group's leadership, guidance or domination in some stronger form. (Lenin identified the Party as this agency, and later the Central Committee).

Moreover, Lenin focused on the *tactical* function of parliamentary practices (such as boycotting parliament or electing parties in order to highlight their deficiencies). This is far removed from Marx's self-emancipation thesis and his stress on the positive benefits of political practices. Marx claimed that a society of fully participating

individuals can be achieved only through a political movement in which agents themselves fully participate as equals. Political activity is then designed to bring about a change in political consciousness thus securing consent. If this effect is unsuccessful, then the desired change to a state of affairs characterised by voluntary and harmonious cooperation is, in any case, postponed. For Marx, propaganda, the attempt to convince, is precisely what is required to hasten the move towards revolutionary change. Thus, the most important political development for Marx takes place *prior* to any revolution and outside parliamentary institutions, namely in the growth of working class consciousness. For Lenin, on the other hand, revolutionary change must come first, which in his account requires a deference from the working class to those privileged enough to be able to see where the proletariat's interests lie. Thus, for Graham, the necessity for maintaining a distinction between Marx and Lenin is essential as his following statement testifies:

"Hitler is reported as having said that Nazism is what Marxism could have been, had it freed itself from the absurd, artificial link with a democratic system...On the contrary, Leninism is what it became when its natural link with democratic principles was forcibly severed." (Graham 1986 p.230).

Having anticipated the danger of incorporating Leninism within our Marxist approach, we must now ask how the ideas of Marx can help us in the construction of our democratic ideal. First, we have seen in previous discussions how wealth (or its absence) can play a major role in interfering with the plans which a rational agent might otherwise bring to fruition. Thus, Marx is right about the necessary conditions in which democratic principles can be embedded; strategies such as an increase in taxation or the encouragement of charity for example, which leave capitalist relations and institutions intact, are clearly insufficient. What is needed is a radical reconstruction of productive relations.

Second, recalling our discussion of 'ontological collectivism' and its usefulness in providing a model in which individuals fully participate in decision-making, Marx gives concrete historical context to the idea of the reality of collectives. His focus on how the capitalist mode of production brings workers together in a huge cooperative

effort, also shows how the same mode of production serves to unite and organise this 'collective power' which can bring about a classless society. Workers therefore have a reason to constitute into a collective and identify with its aims. Today, there is much academic discussion about the 'New Times' we are living in - a post-Fordist, post-modernist world of fragmentation, differentiation and diversity in which the old dichotomies of labour versus capital, men versus women, black versus white etc. no longer apply. These collective entities of traditional theories (or 'meta-narratives') we are informed, are now out-dated concepts. However, it *may* be that a vast range of new forces are representing the varied interests of society but such change serves only to strengthen the case for a Marxist approach. Marx himself made the important point that individuals/workers need to look beyond sectional interests (differences of status, income, cultural diversity etc.) and beyond the confines of capitalist society. He proposes that they look to a more fundamental level where they share a common interest, and act to convert productive resources into the common possession of all.

Marxism shares with participation theory a mistrust of existing representative systems and an aspiration to a much fuller participation in decision-making by the whole populace. However, Marxism differs in that it is much wider in scope, offering an analysis of the whole social structure. Marx concentrates on collective efficacy, and in doing so brings into focus the possibility of a large number of individuals having rational grounds for identifying with large collectives. It follows then, that in such a collective any relationship of obligation is owed to fellow members, rather than to a political authority which presently excludes the vast majority of the populace from the decision-making process.

POLITICAL OBLIGATION IN THE GOOD SOCIETY.

The purpose of this chapter has been to show how, for a political obligation to exist or be justified, one must *voluntarily* place him or herself in a relationship of obligation; that is, political obligation must be self-assumed obligation. Through an analysis of

existing political arrangements, I have challenged the liberal democratic view that citizens owe a political obligation to the state.

We have seen that in Britain 'democracy' in its representative form, is representation as a choice between competing elites, through an electoral system which reproduces the representation of constituency size rather than public opinion. Moreover, I have tried to show that political obligation as consent cannot be given through liberal democratic electoral participation. My analysis of political equality, an essential prerequisite for equal political obligation, throws up the profound inequality of opportunity for equal participation and influence within the liberal democratic political process. Economic, educational and sexual inequality *prior* to the vote, and the persistent discrimination suffered by minority groups *after* the vote suggest that the notion of equality of political citizenship giving rise to political obligation is untenable, and certainly not our experience. Thus, I concluded that alienation by citizens, through elections, of their right to make political decisions cannot be political obligation. At most, it is a vertical relationship whereby citizens are compelled to obey a political authority having no other alternative of democratic redress.

I then proceeded to construct a democratic model within which political obligation must be a *horizontal* relationship owed by citizens to each other. To demonstrate the feasibility of my model I attempted to challenge the fatalism of elite theory which stressed the apathy of the citizenry, and the size and complexity of existing institutional arrangements as fixed. Then, starting from the idea of democracy as self-rule, I examined the role of liberty and equality as components in that idea, and suggested that the grounds for favouring political liberty and equality dictated a concern with arrangements in the broader social context, not just the narrower political one. However, this still left us with the problem of how the principle of autonomy and a procedure for collective decision-making may be reconciled. Using Graham's concept of 'ontological collectivism', it was possible to envisage a situation where majority decisions may be reached and acted upon without impinging significantly on the individual as a free, rational agent.

Nevertheless, having faced the theoretical obstacles, the problem of establishing the required level of political participation within the collective still remained, and to this end I examined the ideas of participation theorists. However, although this approach rightly pointed out the importance of the educative function of participation, its focus on the industrial sphere was too narrowly constrained. Although participation theory has much to offer in its suggestions for social change to occur, I felt that it did not go far enough. Hence, I turned to the more radical theory of Marx, who, through his self-emancipation thesis and emphasis on universal suffrage, provided a programme for the abolition of existing socioeconomic relations. This would be replaced with a set of relations which reverse the relationship of dominance which currently exists between decision-makers and the electorate, and greatly increase the control exercised by the latter. In sum, what Marx is advocating is social and political revolution.

However, we must now ask ourselves whether our move towards direct democracy through revolutionary means is a realistic objective? The reader may still remain unconvinced of this possibility and argue that human nature, being what it is, makes individuals unfit for democracy. He or she may possibly share the general assertions of other thinkers, that the overall lack of interest in political activity on the part of the populace is a 'fact of human nature' established by empirical study, rather than the effect of a particular social and economic system (Sartori). Or, the reader may agree with Dahl who states that 'man' is not by nature a political animal. He or she may even endorse the view of Freud who states that the apparent rationality and autonomy of the individual is merely illusion. (Duncan G. 'Democratic Theory and Practice' 1983)

However, I would assert that individuals collectively have the potential capacity to run their own affairs and, in the right circumstances, the will to do so. It may be that we are addressing ourselves to people in societies in which deep social and economic inequality is a fact, widely accepted as normal; in which the health of many is daily jeopardised and their lives needlessly shortened, in the midst of the affluent enjoyments of the more fortunate others. That is the structure of the lived experience of the society in which we exist, and consequently lies deep in our attitudes and culture. Thus, we need to appeal to citizens as individual moral agents as well as

potential members of a collective. We need to ask not only what people *ought* to do but also in what conditions they are likely to recognise that they ought to and likely to *want* to and psychologically be able to do in order to bring about social change.

So what are the implications of individual moral responsibility for political obligation? In the first place, it follows that one should strive to behave in one's dealings with others in accordance with recognised principles: (avoiding violence and coercion as far as possible, thus according respect for an individual's autonomy); not assuming any individual or group to be more disposable than others; respecting individuals' basic physical and psychological needs and so on. This obviously involves some degree of compromise. Moreover, it also follows that individuals must view themselves in a more role-playing light, as members of a collective engaged in certain social and political practices, in respect to which they have a certain responsibility and owe a political obligation to other members of the collective. This requires individuals to view themselves as actually empowering (through their political apathy and failure to participate) many of those processes and injustices which they claim to deplore, and would actively resist were it not that they believe that they are beyond their individual control. This latter point is linked to the arguments of Peter Singer (1984) who stresses our negative responsibility towards others. For Singer:

"If it is in our power to prevent something very bad happening, without thereby sacrificing anything of comparable moral significance, we ought to do it." (p.168.)

He argues that people ought to assist (eg. give to famine relief) as much as possible, (without causing serious suffering to oneself or one's dependants) and ought (morally) to be working full-time to relieve great suffering of the sort that occurs as a result of famine and other disasters. Here then is an ethical argument on the issue of 'killing or letting die' (a concept we consider more fully in the next chapter). If we fail to assist in alleviating suffering, regardless of how that suffering came about, we are committing an injustice through our inaction. As Singer points out:

"If then, allowing someone to die is not intrinsically different from killing someone, it would seem that we are all murderers". (ibid. p.164)

Political participation is crucial then in so far as it registers a protest and emphasises individual moral responsibility towards others, thus contributing generally to sustaining a progressive moral and political culture.

However, even if we were to accept that many people may be acquisitive, possessive, apathetic individuals in regard to formal politics, 'human nature' cannot be read off from these supposedly widely shared characteristics. We must remember that we are observing people in a historically specific context, living within the confines of capitalism, the results of which Marcuse calls 'a mutilated, crippled and frustrated human existence' (Geohegan 1983 p.156). If we take into account the remarkable diversity of individuals and societies and how they change, then we must accept how, with changing social experience, people's moral conceptions and their views of what is reasonable and possible, and what is necessary or inevitable for social justice to ensue, also change. I cannot accept any theory which suggests that existing motives, interests and values are permanent features of our social existence. Thus, we can take issue with the argument that a fuller democracy must founder on the rocks of human nature. A more generous conception of the democratic citizen can be supported, not only through a radical reconceptualisation of past social movements which have highlighted the possibilities for democratic communities (see E.P. Thompson 1983), but also through current example, such as a deeper exploration of everyday life.

It follows that I am supportive of the explanatory theory developed by Marx which is closely linked with a theory of change: it provides grounds for confidence and suggests appropriate political strategies such as universal suffrage and the collective power to implement such change. However, it must be acknowledged that democratic structures provide a necessary precondition for popular control and political obligation, but are not in themselves sufficient. Their aim is only manifested when widespread participation actually ensues, that is, the opportunity not only has to be there, it has to be continuously taken up. Thus, we need to appeal to individuals as rational, moral agents and encourage them to identify and locate their common interest through the morality of the collective. In order for political obligation to be self-assumed obligation therefore, citizens must *collectively* create their political obligation and

polity through participatory voting in a democratic community. Moreover, the practice of political obligation requires that individuals develop the capacities that enable them rationally and self-consciously to appreciate the aims and objectives of their political collective. At present, the liberal democratic reification of existing institutions prohibits the development of such critical thinking.

In conclusion then, an essential feature of a horizontal view of political obligation in my new democratic 'good society', is that the 'political' is no longer conceived as separate from the other spheres of social existence. It is in the area of collective life that individuals voluntarily cooperate and strive to sustain a system of fairness and equality. Only in such a system, where all individuals enjoy equal citizenship and participation, can a political obligation as a relationship that individuals voluntarily take upon themselves and so refuse, reject or change, be conceived. We can follow Aristotle and say then:

"...that the citizen, like the sailor, is one of the partners in a society. Sailors are unlike each other in capacity: one is an oarsman, another a helmsman, another a bowman, and others have other such names; but it is clear that, while the most precise account of each one's goodness will be peculiar to himself, there will also be some common account fitting them all alike. The safety of the voyage is the business of them all, for each of the sailors aims at that. Similarly, the citizens, though unlike each other, have the safety of the society as their business." ('Politics' Chapter 3. Part 4.)

Thus, only under the banner of a just, democratic society can we be called upon to defend such a system.

CHAPTER TWO

POLITICAL OBLIGATION AND THE JUST WAR.

I want to pose a number of questions, by way of introduction to this chapter, which I believe any discussion of political obligation in the context of war needs to address.

First, we need to examine the meaning of justice in the context of war and discuss the citizen's obligation to the state in such a situation. As we have seen in the preceding chapter, one of the great issues of political philosophy is that of legitimacy and political obligation, now we turn to discuss that obligation under severe pressure of circumstance. What conditions, if any, must a government satisfy in order to merit the obligations of citizens to risk their lives in periods of war? Is it our absolute patriotic duty to risk death or kill others on behalf of a political authority or do we have a right to express conscientious objection and exercise civil disobedience?

Second, it is necessary to construct a philosophical critique of the rationalisation of war. Individuals have to justify war by appeal to exceptional circumstances and overriding principles, the justifications often based on appeals to utilitarian consequentialism. This idea (of a necessary means to a desirable goal) can be supported on a number of grounds. For example, it can be argued that one is fighting not for economic gain or territorial acquisition, but in self-defence or to defend others (for example, the weak or innocent) from an aggressor. If you witnessed an attack on your neighbour would you not rush to his or her defence, using any force necessary to quash the aggressor? But if we apply this argument to nations, how do we explain the principle of non-interference upheld by sovereign states? Another defence of means justifying the end is connected with idealism. A given war, the argument goes, is the only way to preserve great ideals and values without which 'life would not be worth living'. Could we argue that those who lost their lives in World War II preferred death to life under a Nazi regime? Is it possible to identify values which are more valuable than 'life itself' (a problematic and misleading abstraction, as we shall see) and thus

need to be preserved at whatever cost? Whether this is a relevant argument requires cautious philosophical exploration.

Third and linked to the above, is the philosophical problem of reconciling the conduct of war for the desired goal of promoting human values, with the fact that modern warfare violates all personal values. Returning to the consequentialist doctrine for the moment, is it possible to argue that certain horrific acts such as the Coventry and Dresden saturation bombings and the atomic attacks on Hiroshima and Nagasaki can be ethically defended on the grounds of promoting human values? In the name of 'freedom' and preserving 'cultural identity' nations have used anti-personnel bombs and napalm, have contemplated the use of nuclear weapons and continue to develop techniques for biological warfare by means of which whole populations would be decimated by disease. How can we justify such conduct on the grounds of promoting human values?

Finally, we need to question the conventional means of dealing with enemies and conduct a rational investigation into what an enemy is. Could it be that *war itself* is a greater enemy to human beings than any nation? If so, what are the alternatives to the 'military method' for resolving international disputes? E.A. Burt (1969) attempts to address this question by pointing to the contributions philosophy can make to settling conflict between opposing parties. (p.30-47) In his view, philosophers need to return to the mutual search for enlightenment and away from a method of disputation based on victory and defeat. If philosophers resisted the urge to overthrow competing arguments and concentrated on striving for truth, they could see opposing philosophies as a valuable resource and look for and benefit from the true insights of others. But could we realistically envisage the possibility of replacing armed conflict between nations with recognition of common interests, active sharing of different values and peaceful acceptance of negative criticism? Could we in all seriousness view philosophy as the moral alternative to war, and philosophers as Burt's 'new warriors' in a post-military society?

THE POLITICAL OBLIGATION TO DIE.

Individual security is affected both positively and negatively by the liberal democratic state. On the one hand, individuals depend on the government for their general security (through institutions such as social security, the courts etc.), yet on the other, may view the government as a source of threat to their personal security, for example, through tolerance of systems which predictably yield economic exploitation, miscarriages of justice and threats arising from the government's external security policies. The government is supposed to provide a measure of protection to its citizens from foreign interference, attack and invasion, but it cannot do so without imposing risks and costs on them. Indeed, as Walzer (1977) points out:

"There has never been a more successful claimant of human life than the state". (p.77)

However, the risk of war is usually accepted by citizens as a fair trade-off for the broader measure of security provided by the government. Nevertheless, modern war produces enormous risks and severe casualties and it is whether citizens have an obligation to take such risks for the sake of national security that I want to discuss here. This involves first, an examination of the contradictory relationship between individual security and national security.

It needs to be stated at the outset that absolute security is impossible for any individual. Even the most privileged in society who can protect themselves from such threats as preventable disease and economic exploitation, share with the less fortunate other threats such as unavoidable terminal illnesses and the potential horrors of nuclear war. Moreover, we must remind ourselves that life for its own sake is often not ranked first among individual values. People often place their lives at risk in pursuit of other values such as the thrill of achievement (eg. as might pot-holers and sky-divers) or for the pleasure of authority and power (eg. possibly policemen/women and prison officers) or for financial gain (eg. many mercenaries). Thus, it is not unusual to find political questions raised about individual versus national security in cases where armed forces are raised by conscription (eg. Vietnam war) and very few in cases where

professional soldiers are involved (eg. the Falklands war). In the former, policies require citizens to place themselves at risk in the service of their government - in the latter, citizens have already made a free decision to place other values higher than their own lives in some circumstances which might arise. Thus, the purpose of this section is not to discuss risk-situations in which free choices have been made, but situations whereby citizens are legally obligated to risk death because their government deems it necessary. Moreover, we need also to explore the source and strength of any *moral* obligation to do so.

ABSOLUTE PATRIOTISM.

"Whether in battle or in a court of law, or in any other place,, (a person) must do what his city and country order him: or else he must change their view of what is just". (Plato 'Crito'. Trans. Jowett B. 1937. p.434-5)

The above quote from Plato's 'Crito' is a powerful statement of the idea that national security ranks higher than individual security, and that individuals must be prepared to give their lives for their country, whether in battle or in obedience to the law, even when they believe that erroneous judgements have been made. This view of 'my country right or wrong' we may call 'absolute patriotism' - the belief that one's country is entitled to use whatever means necessary to further its view of justice or national interests, and that the citizen has a powerful obligation to obey the government in any way justified in these terms. In order to explore further the beliefs relevant to absolute patriotism we need to place the above quote in its proper context and focus some attention on the arguments put forward by Socrates.

In Plato's 'Crito' Socrates has been convicted of preaching false doctrines and has been condemned to die by the Athenian court. While awaiting execution Socrates friend Crito offers to help him escape. Socrates however, despite maintaining his innocence, refuses Crito's offer, insisting that he is willing to accept the erroneous judgement of the law and die for a crime he did not commit, because he has a moral duty to obey the laws of Athens. In sum then, for Socrates, being a good citizen requires obedience to

the law even when due process has wrongly convicted them and even when such obedience requires a great sacrifice by the citizen (in Socrates case, life itself). Thus, we can call Socrates an absolute patriot for he believes that there is a powerful obligation to obey the law, even when those laws are unjust. But what precisely are the arguments Socrates puts forward to justify this view? In the 'Crito' Socrates, imagining that the laws are directed at him, states:

"He who disobeys us (the laws) is, as we maintain, thrice wrong; first, because in disobeying us he is disobeying his parents; secondly, because we are the authors of his education (i.e. his benefactors); thirdly, because he has made an agreement with us that he will duly obey his commands; and he neither obeys them or convinces us that our commands are wrong." (ibid. p.435-6)

Let us examine each of these arguments in turn, first the idea of the state as a parent and the assumption that children ought to obey their parents. In the following chapter I will be discussing the implications of paternalism in the context of childhood autonomy, and challenging the view that natural parents are necessarily the most suitable custodians of the interests of a child. But in the context of the *state* as parent, Socrates argument has some persuasive elements. For example, we did not choose to be citizens of the society into which we are born, just as we did not choose our parents. Moreover, the notion of the state as parent is reflected in our language - consider such phrases as 'mother tongue' and 'fatherland'; indeed, 'patriotism' itself derives from the Latin word for father. Thus, the assumptions which lie behind our linguistic heritage may lend some support to the 'parent view' but it is an argument not without its problems, particularly in relation to political obligation.

First, implicit in Socrates argument is the assumption that all parents feel love, concern and offer protection to their children, yet there are good and bad parents (the problem of child abuse bears clear testimony to this fact). We could suggest, that if we have any obligation at all to our parents (and this is not necessarily the case), it depends to a large degree on how they treat us, that is, it is not an *unconditional* obligation. The same applies to the relation between citizen and state - when a person justifies his or her loyalty by saying 'I was born here, this is my country' we should consider such a

statement incomplete because there is no reason to suggest that this loyalty is unconditional, it is an obligation subject to certain conditions (eg. whether society has treated its citizens fairly etc.). Neither is this obligation an *unlimited* obligation. Consider the following example. Suppose that my parents have loved, protected and cared for me to the best of their ability. When I am 15 years old, my parents join a bizarre religious cult and we set up home within the confines of the cult's headquarters. However, in time, the cult is threatened by external forces and the leader orders all members to commit suicide. My parents are willing to sacrifice their lives for the cult and command me to do the same. Should I obey this command? It is extremely difficult to accept that merely because my parents order my voluntary death I should carry out this action - the fact that they are my parents does not make it right or an obligation to sacrifice my life for them. This may serve as a rather extreme example, but its purpose is to show that there are limits to what parents may legitimately command. Thus, any obligation here (assuming it exists at all) is not absolute but subject to limitations. Overall then, I reject Socrates claim that there is an unconditional and unlimited obligation for children to obey their parents and , by extension, that there is an unconditional and absolute obligation for citizens to die for the paternal state.

Socrates second argument appeals to the good he has received from the state which has enabled him to pursue a worthwhile life. Having benefited from his relation to the state he therefore has an obligation to obey. This is similar to the 'benefits' argument discussed in the previous chapter which stated that, as citizens have benefited from state institutions and practices, they therefore owe a political obligation. I have already challenged this view in relation to the liberal democratic state by pointing out that an unequal distribution of benefits in society can only, at best, (and this is by no means conclusive) give rise to unequal political obligations. However, for the purpose of Socrates' argument to work with the assumption that society's benefits are equally distributed but question whether such goods received give rise to a political obligation to risk one's life for the state.

It is true to say that we often feel grateful to those who have made it possible for us to enjoy significant goods. However, although I may be grateful for the goods I have received (eg. education, health care etc.), I did not ask for them and might not have known that they came with strings attached. For example, as I began to receive state education at the age of 4, I was too young to understand that something would be expected of me in return, nor was I yet able to make a rational judgement about whether to accept this benefit. In other words, I did not consent to this arrangement. Because of my age I was in no position to understand or consent to the fact that there might be occasions on which it is for me to owe an obligation for the good received (including the obligation to risk my life when commanded). However, leaving aside the question of consent, it could be argued that I owe an obligation simply out of gratitude for the good I have been given. But this argument is also problematic. For example, from this perspective it is possible for me to view the good I have received (eg. education) as a gift rather than a benefit which has to be repaid at a later date. It follows that if I have received a gift, the possibility of my returning good for good or returning obedience for the good has to be a voluntary act, because such actions are not written into the transaction. Thus, I may be grateful for the benefit, but I cannot accept the idea that there is an *obligation* of gratitude - whether to show my gratitude or not is something I must decide for myself, it is a 'feeling' which has meaning only in a voluntaristic sense. Thus, gratitude cannot be enforced, only obligations.

Furthermore, even if we were to accept that there are obligations that arise from society's benefits, there is nothing to suggest (as with the parent argument) that these obligations are unlimited. For example, if I have enjoyed the benefits of a free national health service it is hard to believe that this may give rise to an obligation to sacrifice the life of myself or others simply because my benefactor commands it. Such obedience would violate my own rights and possibly the rights of others, and if I am capable of moral reflection I may conclude that I ought NOT to obey. Thus, assuming that there is a *general* obligation to obey benefactors, the belief that there is an *unlimited* obligation is a false one.

Finally, Socrates third argument implies that everyone ought to keep his or her agreements. Agreement (or consent), as we saw in the previous chapter, can either be explicit (direct) or tacit. An explicit agreement is made when a person explicitly accepts the terms of an agreement (eg. by signing on the dotted line). A tacit agreement, as previously indicated by Locke and Plamenatz, is implicitly made by virtue of participating in various activities (freedom to travel the highway) or not openly objecting to something (non-voting). While acknowledging elsewhere the problems surrounding these criteria, it is sufficient to assume for our purposes, that simply by remaining a citizen, one consents (directly or tacitly) to be bound by the laws of a society. However, as previously stated, consent must be *to* something and in the case of a political obligation to risk one's life for national security, we need to briefly discuss two conflicting viewpoints within contract theory, notably those of Hobbes and Rousseau, before returning to Socrates.

The notions of obligation, consent and the social contract is central to Hobbes 'Leviathan' (1651), which is concerned with the process by which (i.e. the social contract) unrelated individuals in the state of nature create all their social relationships for themselves. During the social contract, individuals consent to exchange their 'natural' freedom and equality for the status of civil subject with civil freedom and equality. However, in the state of nature fear produces in Hobbesian individuals a desire for security, but as 'naturally' free and equal individuals they must voluntarily enter a contract together to obtain the security of Leviathan's (the sovereign) sword. Thus, if one of the principal aims of the state or sovereign is the protection of individual life, it appears contradictory to talk of any obligation to die for a political authority whose central purpose IS the protection of individual life. The extent to which the authority improves security is not the issue here, that is another topic; the point I simply wish to make is that according to the Hobbesian analysis

"...the state has no value over and above the value of the lives of the concrete individuals whose safety it provides". (Walzer 1977. p.83).

However, Hobbes suggests an exception to this rule:

"...when the Defence of the Common-wealth requireth at once the help of all that are able to bear Arms, everyone is obliged; because otherwise

the Institution of the Common-wealth, which they have not the purpose, or the courage to preserve, was in vain". ('Leviathan'. Chap.21. p.270).

But Hobbes argues elsewhere that consent and obedience must last as long as the sovereign provides protection. If protection fails, then subjects must submit or consent to a new sovereign or face the state of nature. It follows then, that each subject has the right to desert the battlefield in order to preserve his life. Given the inconsistency of this argument, we can conclude therefore, that Hobbes' abstract individualism which proceeds to develop a social contract entered into for protection of individual life, cannot gain the consent of individuals to die for the sovereign, because the contract is no longer binding if this protection fails. At best, we are left with a risk assessment situation in the sense that individuals do not have the obligation to face a greater risk for the state than they would in its absence. Thus as Walzer (1977) points out:

"The great advantage of liberal society may simply be...that no one can be asked to die for public reasons or on behalf of the state." (ibid. p.89)

So much for the social contract of abstract individualism which clearly rules out the possibility of an individual, being bound by consent, to die on behalf of the state. However, in Rousseau's version of the social contract, citizens ARE obligated to risk their lives and die for a political association.

It will be recalled that Rousseau's politics is not based on the separate wills of individuals but on the 'common life' or 'general will' of the political community. Thus:

"...in place of the individual personality of each contracting party, the act of association creates a moral and collective body." Rousseau J.J. 'Social Contract' Bk.1. Chap.6)

Moreover, if a decision is 'law' and benefits or burdens all citizens equally, then citizens know that they ought to assume the obligations consequent upon that decision. In other words, a moral transformation from the state of nature to the state as the common life occurs, and if the new political community is threatened, citizens are obligated to die on its behalf because

"...if the citizen is alone, he is nothing: if he has no more country he has no existence". (Rousseau J.J. 'Political Writings'. Chap.4)

It follows then that the state has supremacy over the individual citizen - citizens will willingly die defending those 'moral goods' generated by the good society - those who refuse can, according to Rousseau, be put to death for the sake of the state. This is because Rousseau regards those unwilling to die as traitors - they have previously consented to preserve the state, yet when called upon to do so they refuse.

Walzer (1977) highlights a number of problems with Rousseau's argument, not least the fact that, if the moral transformation of the 'natural' individual is incomplete (a possibility acknowledged by Rousseau), then there is a sense in which he or she is not a citizen at all. If this is the case, then this 'non-citizen' or 'political stranger' cannot be called a traitor if he or she refuses to die on behalf of the state. Walzer's criticisms, although worthy of further exploration, cannot however be accommodated in this section. My only reason for touching upon Rousseau's theory here is simply to show how, in this version of the social contract, an individual may be obligated to die for the state by virtue of his or her previous consent.

Now let us return to Socrates. The main indication of his agreement to obey the laws was his remaining in Athens throughout his life rather than choosing to go elsewhere. Thus, we can say that Socrates' agreement is a *tacit* one. But does residency constitute a tacit agreement to obey the laws of a country?

For example, I have built a successful career for myself, moreover, my family and friends are around me and I appreciate the natural beauty of the place in which I live. But my country is governed by an extreme right-wing political regime whose policies and laws I regard as oppressive and immoral. However, I do have the right to leave the country if I wish, but in doing so I would lose my home, family and friends so I choose to stay. Under the threat of war I am then required by the government to make the safety of this unjust system the motive of my voluntary death. In this situation it is certainly questionable to suggest that I have an obligation to risk my life for a system which I consider to be immoral. Thus, it is implausible to argue that my remaining in the country indicates my approval of the system and constitutes a tacit agreement to risk my life in its defence.

However, let us again assume that residency DOES constitute an agreement to obey the laws - is it an *unconditional* obligation? Socrates believes he is innocent of the charges which have been brought against him, yet he is willing to accept the judgement of the law and the high price that obedience will cost him. But in making a prior agreement he was willing to obey the laws of Athens in return for certain benefits and the protection of his rights, including the immunity of innocence. How then, is he obligated to accept an undeserved punishment? To accept this is to accept the argument put forward by the US Supreme Court during the 1992 Herrera v Collins case which stated that 'Herrera might be innocent but could still be executed because his trial had been deemed constitutionally correct' (The Guardian. 8/5/95 p.29) How can one accept an argument that may have regard for due process but so little regard for justice? Similarly in Britain, could we argue that the 'Guildford Four', the Maguire Seven', Judith Ward, Stefan Kiszko and other victims of miscarriages of justice have a *duty* to accept unwarranted punishment when commanded by the state? If part of the agreement (tacit or otherwise) a citizen makes with the state is immunity of the innocent, surely it is plausible to suggest that all miscarriages of justice (which have failed to be rectified through appeal procedures) are violations of this agreement? Under these conditions, I would argue that citizens are freed of their obligations to uphold their part of the contract and cannot be called upon to risk their lives in defence of the state. Thus, in Hobbesian terms, we are back to the state of nature.

The above analysis has attempted to show how each of Socrates' arguments fails to justify unconditional and unlimited obligations, and I am therefore drawn to the conclusion that absolute patriotism cannot give rise to an obligation to risk one's life for the state. However, I have NOT argued that we have *no obligations whatsoever* to a political authority - I have merely tried to show that they do not exist in the *absolute sense* that Socrates defends. Nor am I suggesting that those whose patriotism is absolute cannot be turned into holders of a more qualified version when confronted by certain questions. For example, we may ask how they assess the strength of their reasoning (based on the above arguments) relative to the importance of avoiding the horrors of war. It remains possible that absolute patriots who are capable of rational

thinking may be persuaded to qualify their beliefs, and put forward modified views such as 'one ought to risk one's life for one's country *subject to some conditions*' or that the war be a 'just' or 'defensive' one. These arguments will be considered in greater detail later in the chapter.

THE POLITICAL OBLIGATION TO KILL.

The preceding section examined the obligation to die or risk one's life on behalf of a political authority, and I concluded that absolute patriotism, founded on views from the parent, benefits and contract arguments, cannot give rise to such an obligation. Nevertheless, I did not rule out the possibility that, in specific contexts, we *may* be obligated to risk our lives for our society. However, before moving on to explore situations and circumstances in which this may be the case, I want first to examine a perspective which stands at the opposite end of the absolutist spectrum on war, that of absolute pacifism. Thus, we move from an analysis of the obligation to die for the state to explore the obligation to kill for the state.

ABSOLUTE PACIFISM.

There are few among us who do not find the problem of killing morally difficult. Some think it is wrong in all circumstances, while others think there are occasions (say, in a just war or in self-defence) that some killing may be justified in order to avoid a greater evil. However, for the absolute pacifist, it is always wrong to kill people however evil the consequences (such as a tragic loss of life or threats to national security) of not doing so. Absolute pacifism can have its basis in various kinds of belief and here, I want to focus upon two - the first is grounded in a theological position and the second rests upon a 'sanctity of life' principle.

Absolutists whose pacifism is based on some kind of religious belief view it as a way of life that is inherent in Christian convictions about God. The Gospel is understood to

prohibit all killing - just as Jesus refused to use violence to further his cause, so must his followers. As Hauerwas (1986) states:

"All people ought to be nonviolent not because of some general truth about humanity, but because all people have been called to be part of the kingdom initiated by Jesus of Nazareth." (in Wakin p.277-283)

This commitment to nonviolence as a means asserts that we are all brothers and sisters and that we have a duty to love one another as such.

However, for Elizabeth Anscombe (1963), the image of Christianity which this image of absolute pacifism projects is a false one. She challenges the conception of the so-called 'pacifist' New Testament as standing in sharp contrast to the 'vindictive' and harsh teachings of the Old. It is this false distinction between the Old and New (she argues the latter relies heavily on the teachings of the former) which upholds the misguided view that Christianity entails absolute pacifism. For example, Anscombe argues that there is no evidence in the New Testament to show soldiery as incompatible with Christianity and cites Christ's commendation of the centurion as one illustration of this. For Anscombe then, the selective nature of the Christian version of absolute pacifism distorts the true picture of Christianity, seeing it:

"...not, as in truth it is, a severe and practicable religion, but rather as a beautifully ideal and impracticable one." (in Stein. p.45-62)

The above discussion is an avenue I do not wish to explore further, given its theological and interpretative complexity; nevertheless, even if we acknowledge that the selectivity of Christian pacifism fails in an absolute sense, this does not discount the possibility of maintaining an absolute pacifist position. For example, one does not have to believe in a God or hold any religious convictions to argue that taking life is always wrong, particularly if one views every life as being of supreme value.

What do we understand by the statement 'killing is wrong because it is the taking of life'? Should we take it to mean that we are attributing value to the mere fact of being

alive? This would be one version of the 'sanctity of life' principle - the idea that life has value because being alive is an essential precondition for pursuing any goal whatever. Thus, although we cannot refute this view absolutely, we can, nevertheless, think of examples where death may be preferable to life. If a person is in excruciating pain with no hope of cure, or in an irreversible coma, could we not argue that such people would be better off dead? If so, we can suggest that in destroying life, we are not destroying anything *intrinsically* valuable - being alive only has value because it is a necessary precondition for other things which are valuable in themselves. Thus, another version of the 'sanctity of life' principle refers not to the mere biological condition of being alive, but of that of having a 'worthwhile life', or as Norman (1988) puts it:

"...the ability of a normal human being to give a distinctive shape to his or her life as a whole". (197-209).

By this account, therefore, we would need to undertake the task of compiling a list of ingredients of a worthwhile life, an exercise I attempt in the following chapter.

Overall then, we have seen that the doctrine of absolute pacifism may take different forms, and in this section I have briefly discussed the theological position and the pacifist account based on the 'sanctity of life' principle. The latter view can be further divided into two interpretations - one which places value on merely being alive; the other which views human life as something in which a person is actively engaged and therefore presupposes certain minimal abilities. However, some theorists argue that any lengthy discussion of absolute pacifism is both unhelpful and unnecessary, simply because it is a version of pacifism which can be quickly dismissed as being self-contradictory.

For example, Narveson (1965) argues that pacifism is incoherent because what the pacifist is against is violence and in some situations the only way of being against violence is to use violence. In other words, absolute pacifism is inconsistent because, in saying that violence or killing is wrong, we are committed to the view that we have

a right to use violence or killing if necessary to protect our own right not to be the victim. So either the pacifist's opposition to violence is not genuine or he/she cannot be a consistent pacifist. Let us put Narveson's argument to the Christian pacifist by asking the question: 'If all Christians are obligated to love those in need (demonstrated, for example, through defending the rights of others), how can you uphold an absolute pacifist position in the face of injustice and violence?' One reply the Christian could make is that the attacked and the attacker are equally objects of God's love, thus we are equally obligated as Christians to love both, regardless of the tragic consequences which may result. On the other hand, a non-Christian answer may be that, to say that violence or killing is wrong does not necessarily commit us to the view that potential victims of such action or those defending potential victims, have an unrestricted right to use all means necessary to prevent such injustice. To think something is wrong does not entail that those harmed by that kind of act have an exclusive right to self-defence. Moreover, there is a problem in treating violence and killing as the same - if we define violence as unjustified killing then pacifism is trivially true, and allows killing where justified. Thus, Narveson's argument does not necessarily show absolute pacifism to be incoherent, but there are, nevertheless, other considerations which highlight the problems of such a position.

We have seen that the absolute pacifist may be committed to the view that it is wrong to destroy life, even if the alternative is to bring about other kinds of harm, no matter how serious. The problem with this 'no trade-off' view is that society is then committed to giving the saving of life overriding priority over other social objectives. Thus, artificial respirators, dialysis machines and other life-saving services and equipment, would have a greater claim on societies resources than improved housing, better education, preventive health care, cultural and leisure facilities and other measures aimed at improving standards of living. The implications for the quality of life of citizens could be serious. But in reply, the absolute pacifist may say that it is not the saving of life that has moral superiority, rather it is the principle of *not taking life*. Thus, when faced with a situation in which we can only preserve one life by sacrificing someone else's (for example, when X is threatening to kill Y), the only way to maintain an absolute prohibition against killing would be to make a distinction

between killing and 'letting die'. For the absolute pacifist, a refusal to kill X would be seen as a failure to save Y's life rather than an act of killing him, and it is worse to kill someone than allow them to die. But is this really the case? To answer this question we need to consider the 'acts and omissions' doctrine.

One of the consequences of the 'acts and omissions' doctrine is that we often (implicitly) regard omissions as morally permissible or at least less wrong, when a related act, in terms of its consequences, would be morally prohibited or more wrong. That is, we tend to think of omissions in terms of examples drawn from the non-culpable end of the spectrum. Consider the following example.

A close friend of mine suffers from a 'self-inflicted' illness which I know may result in his death. Having witnessed a number of life-threatening attacks on his health, and having made numerous futile attempts to persuade my friend to change his lifestyle, I finally withdraw my help and support. I refuse further appeals for help, justifying my action by telling myself that friends, relatives and other agencies will intervene to help him should he suffer another attack. However, no help is forthcoming and within weeks of my refusal he dies. Should I hold myself in any way responsible? Not according to the 'acts and omissions' doctrine which brings into play the idea of intention. I did not *intend* my friend's death although I was aware that without constant care he *might* die. If, however, I had shot him through the head, then his death is inevitable and I would be judged morally guilty. Thus, probable death is preferable to certain death and so we have reason to believe that the act of killing him is worse than the omission of non-intervention. But is this really the case?

It could be argued that some omissions create just as strong a probability of death as their corresponding acts. For example, if I knew that my continued support and assistance would have probably saved my friend from that fatal attack, or at least prolonged his life significantly, then my refusal to intervene could be viewed as a wrongful omission. It is important to note that what we feel when we remember our omissions, is different from what we feel about performing the related acts, and can be explained by the differential guilt assumed by the 'acts and omissions' doctrine. If we

questioned the theory, our tendency to feel less guilty about allowing someone to die than about killing him might be eradicated.

Nevertheless, the doctrine insists that harmful acts are more 'God-like' than harmful omissions, and this assumption is grounded in the idea that we are all equals and we should therefore not place ourselves above other people. But this claim only holds if we *presuppose* the 'acts and omissions' doctrine - that is, if we hold the view that I am less responsible for someone's death where it is the result of my deliberate non-intervention than where it is the result of my act. But the problem of 'playing God' arises in both acts and omissions. It may be argued that killing one person to save nineteen is to act 'God-like' - what right have I to decide between taking one life and saving others? On the other hand, it may be better to act where the act is the killing of one person oneself, if the *only* alternative of *not* shooting is that someone else will shoot twenty. (Williams 1973 p.98-99).

'Playing God' also arises in the example outlined above. For example, it is suggested that given the self-inflicted nature of my friend's illness, I carry no responsibility for his death because, in a sense, he 'chose' death. But to follow this line of argument is to adopt a 'god-like' stance - who am I to judge who is and who is not morally worthy of help? Moreover, where do we draw the line? Should we refuse medical aid to alcoholics, smokers, drug addicts, people suffering obsessive eating disorders etc., simply because they 'brought their problems on themselves'?

In sum, I seriously question the 'acts and omissions' doctrine on the grounds that it serves as a justification for indifference to the plight of others and as an excuse to prioritise our own material and psychological well-being at the expense of others (eg. we often enjoy the benefits of Third World exploitation, yet fail to contribute to famine relief when to do so would not adversely affect our own standard of living in any significant degree). Widespread unconcern and 'God-like' intentions as reflected in our omissions, plays as large a part in causing death, misery and degradation, as hostility as a result of our acts. I thus endorse the view of Honderich (1989) who states:

"It may well be because of tacit acceptance of the 'acts and omissions' doctrine that we acquiesce in the worst evils in the world". (p.64)

Thus, it is sufficient to say here that those who are not prepared to accept either the 'sanctity of life' principle or the 'acts and omissions' doctrine cannot be absolute pacifists.

Overall then, I would argue that the 'sanctity of life' principle cannot be an absolute principle because there are cases where peoples' lives do conflict - where one life (or many lives) can only be saved by taking another. Moreover, it is possible to think of other situations in which the taking of life may be justified, for example, killing in self-defence or killing in order to prevent oppression and suffering on a massive scale. Such cases will be considered later in the chapter.

CONTINGENT PACIFISM.

Despite the flaws in the absolute pacifist argument, there is a form of pacifism that rejects an absolute prohibition on killing in war, such that it is inconceivable that such killing could be justified. This view, which John Rawls has called 'contingent pacifism' says that while there is *in principle* the possibility of a war being justified, this is in practice a possibility so remote that it can be disregarded. (Rawls 1971. Section 58) Wasserstrom, a defender of the contingent pacifist position, focuses on the difficulty of justifying the killing of an innocent person in peacetime, and argues that an equally heavy burden of justification applies to the killing of the innocent in war. Leaving aside the problematic distinction between the 'innocent' and the 'guilty' for the moment, the comparison Wasserstrom is making is between killing in war and individual acts of killing. It is conceivable that in my private life a situation may arise in which my carrying out of a premeditated killing would be justified, but in reality the chances of this are so remote, the justification for my act so great, that the question does not merit serious consideration.

Moreover, the contingent pacifist further argues that since the horrors of war are so great, the establishing and maintaining of an anti-war tradition as a means of policy, outweighs, in beneficial terms, the most desirable outcome of any war. It is therefore worth forgoing short-term advantages to help establish such a tradition. But will a total renunciation of war by a nation always have better consequences than a decision to go to war? Can we argue with conviction that the awfulness of war is always worse than the 'wrong side' winning? What would have been the consequences of a pacifist policy towards Hitler? There is no guarantee that the pursuit of pacifism by some countries would not give unlimited power to those non-pacifist countries who would not hesitate to use it in the form of invasion or threat of invasion. Furthermore, the pacifist country which preferred defeat rather than go to war could be remembered in either of two ways: for its martyrdom and moral convictions thus earning respect; or for foolishly sacrificing the lives of its citizens by allowing success to go to those prepared to use force. Thus, although contingent pacifism puts forward a powerful argument, justified killing in war, like justifiable homicide, needs to be considered according to the merits and demerits of each particular case.

Nevertheless, when a war begins, people living in the countries involved have to decide to what extent they are justified in participating in it., and we would be right in arguing that the decision to participate in large-scale killing should be given as much consideration as the decision about a private act of killing. This involves, in no small measure, the individual's commitment to military service, and his obligation to kill for his country.

CONSCIENTIOUS OBJECTION: UNIVERSAL AND SELECTIVE.

Most countries that tolerate conscientious objection usually require three criteria for exemption from military service: absolute pacifism; religious training and belief; and conscientiousness. We are already familiar with the first two criteria but it is worth focusing some attention on the requirement of conscientiousness.

Throughout history there have been many deeply sincere individuals who, far from displaying cowardice or indifference to conflict and aggression, have believed strongly in conscience, that they are best defending true peace by refusing to bear arms. But what is 'conscience'? Putting aside the influence of religious training and belief, Walzer (1970) describes 'conscience' as being of two types: either a 'personal moral code' based on individual moral judgements; or a 'shared moral code' based on a moral knowledge which most citizens recognise. (p.128-131). For Walzer, it is the latter interpretation with which we are most familiar today, and it is this interpretation of conscience that I will be using here. Individuals may challenge the state and their patriotic 'duty' but although the decision to object is a personal one, it is nevertheless based on the values and principles shared by many individuals.

Thus, grounds for exemption of conscientious objectors (COs) include respect for conscience. It is deemed unfair to force an individual to act against his or her conscience, leaving them with the choice of disobeying the law and being labelled a criminal. But how can we be sure that the beliefs of the CO are genuine, that his conscientiousness is sincere?

One solution is simply to take the CO at his word and accept his claims as genuine. But is this fair? After all, exemption from military service because of conscience is not like exemption from jury service on the same grounds - those who have to serve in the COs place obviously have to bear great risks of injury and death. So it is not unreasonable to have some tests of sincerity because COs are thought to gain some advantage over others in being exempt from military combat. It can be argued then, that the individual who claims conscientious objection should bear the burden of proof that his convictions are deeply held. But for some commentators, (eg. Broad 1952) it is deemed impossible to isolate one's conscientious motives from the motive of fear, thus the only clear and definite test of sincerity would be the imposition of the death penalty for COs - the sincere CO would prefer death to becoming an instrument of war. But this appears a rather extreme proposal. Surely procedures such as appeal boards and judicial reviews could assist in sorting out the genuine from spurious claims, rather than imposing such an ultimatum on the CO. Moreover, it could be that the CO is

objecting to the *nature* of the military act he is obligated to perform (eg. killing), and can thus be employed in other ways which contribute to the war effort.

Another question raised by conscientious objection is the *scope* of opposition to participation in war. Should exemption from military service be granted only to those who are conscientiously opposed to participation in *any* war (universal conscientious objectors/UCOs), or should it also be extended to those who are conscientiously opposed to participation in a *particular* war.(selective conscientious objectors/SCOs)? SCOs are not absolute pacifists - examples would include non-pacifists who perceived the Vietnam war as unjust; Jehovah's Witnesses who are willing to fight in theocratic wars; Black Muslims in territorial wars etc. However, it has often been the case that only absolute pacifism counts as genuine *moral* grounds for objecting to war, whereas selective objection is a *political* question of non-support for a particular war. By comparison with the UCO, the SCO will often have more complex reasons for objecting to military service, based on specific analyses of particular aspects of the war rather than objection grounded in the dictates of 'God' or 'conscience'. A further reason for the SCO being viewed as political is the fact that he criticises his own government. While the UCO condemns all governments for their policies of war, the SCO offers specific condemnation of his own government's policy.

But we need to make a distinction here between the *subject-matter* about which judgements are made, in this case political or government policies such as war, from the *nature* of those judgements, in this case moral judgements. Gewirth (1974) concludes that:

"A judgement may be moral...with respect to its motivation or the reasons on which it is based, bearing on considerations of justice and welfare, regardless of whether the subject-matter - that about which it judges - is political, social or economic institutions, or individual actions, or many other things." (p.99)

Thus, both the SCO and the UCO may have moral reasons for being opposed to participation in a war, and to exempt the UCO while forcing the SCO to serve would be unjust.

Nevertheless, there remain a number of consequentialist arguments opposing SCO exemption which merit some discussion. The first points out that if a general exemption from the legal obligation to serve in the military were permitted, this would make it impossible to have any predictable, reliable outcomes and thus a society regulated by law. To drop the requirement of obedience for certain individuals in the face of their conscientious opposition would mean that laws no longer have universal coercive force. But if this argument holds for the SCO, it also holds for the UCO - both, for example, may also refuse to pay taxes that support military activities and thus demonstrate selective disobedience. But maybe the issue is that if society recognised the SCO's claim to exemption from military service, it would also have to accept conscientious claims for exemption from other legal obligations (eg. paying particular taxes or accepting particular policies). But it is useful here to draw Walzer's distinction between service and subjection. (p.135-7) People selected for military service are clearly instruments of the law whereas as subjection requires all citizens to obey. Walzer contends that refusal of service is not a nullification of the law (the state can find other servants to carry out its policies) although disobedience might be (the state requires universal obedience). Thus, the government need not treat conscientious refusals of service and conscientious disobedience in the same way.

A further consequentialist argument opposing SCO exemption states that broadening the criteria for conscientious objection would let so many people through the net as seriously to impair the war effort. However, there is little evidence to show that the number of individuals exempted would duly increase. The example of Britain's policy of SCOs during World War II illustrates the feasibility of pursuing such a policy without seriously undermining the country's military capability. (However, it should be noted that the widespread hostility to fascist Germany does not make World War II the best example). Nevertheless, in circumstances where a substantial section of the population view a war as unjust, this is in itself a powerful reason for a government to reconsider the war it has embarked upon. Indeed, having regulations which make it harder for governments to engage in a war in which its population is seriously divided on the issue of justification, seems likely to be a benefit rather than a loss.

But opponents of SCO exemption also hold that it would introduce a class bias favouring the educationally-advantaged and articulate. This claim implies that no such cultural advantage enters into the exempting conditions for UCOs. However, the greater knowledge and expertise of the SCO applies in a parallel way to the UCO who may have been influenced by a particular religious background inaccessible to others. Moreover, it is possible, by raising the level of education in a society, to equalise claims for exemption from a particular war.

I have examined the rights of conscience as grounds on which individuals may refuse to fulfil their legal obligation to serve in the military. However, a powerful argument from the opponents of conscientious objection states that the duty to serve is not only a *legal* obligation but also a *moral* one, a common moral obligation which all men share through their status as citizens. Thus, along with our right to vote and other rights of citizenship are certain responsibilities, duties and obligations, including (if you are male) the obligation to kill if necessary in defence of the society in which we are full and equal members. The idea that citizenship provides certain responsibilities, privileges, rights and duties is generally accepted, and if military service is a component of each citizen's political obligation (again, limited in most societies to males) rather than being a coercive influence in the lives of individuals, it may be plausible to view it as the enforcement of a moral obligation owed to the state. To test the validity of this view, it is worth recalling briefly the arguments employed to support the citizen's obligation to die for the state, for they are used also to justify the obligation to serve in the military.

In Plato's 'Crito' we saw that Socrates argues for political obligation as that which is due to a parent (to which the state is likened). However, I argued that children do not have unlimited and unconditional moral obligations to their parents. A child clearly does not always act wrongly by disobeying parental commands or by breaking parental rules, which may be unreasonable. Moreover, moral obligations extend as one's rational powers and consideration of others' needs develop. My conclusion was that children do not, simply as a matter of course, have special obligations to their parents -

by implication the familial analogy cannot be used to demonstrate a citizen's alleged moral obligation to serve in the military.

A second argument used by citizenship theorists (and Socrates) focuses on obligations arising from contracts and the giving of consent, tacit and express. However, as I have argued elsewhere, it seems clear that no widespread obligation to perform duties of citizenship (including military service) could be of this sort. I have refuted the suggestion that citizens freely consent or promise to obey a liberal democratic government simply through continued residence in the country or through participation in elections. Wherever emigration is the only viable option to performing the duties of citizenship, the idea of free consent to these duties is totally unacceptable. Nor does it seem plausible that political participation through the vote binds citizens to such obligations. I have set out to show that the political participation of the vast majority of citizens consists of making the best of a situation to which there are no options worth considering. Moreover, even if we accept that there are some citizens who do owe a political obligation, many others such as the poor and disadvantaged clearly do not.

Finally, what about the argument from benefaction? One of the justifications for obligatory military service is that individuals owe services to the state in return for the benefits they receive from it. My critique of this view, based on Socrates argument, should now be familiar to the reader, but to recap: first, if individuals have no choice but to receive certain benefits (eg. education), then it is implausible to suggest that they owe anything in return. Second, it is questionable that the benefits received are so great as to justify risking life, limb or liberty. Finally, there is the problem of unequal distribution of benefits - it is difficult to accept that the disadvantaged and exploited owe any obligation to the state and it is a sad irony that it is these groups whose lives are most at risk - the 'cannon-fodder' of modern war.

So can we view the legal obligation to serve in the military as a moral obligation? We have seen that the various theories of political obligation attempt to show why the citizen in general has a moral obligation to obey particular laws (eg. conscription)

independent of any further moral test for those particular laws. It is assumed that if the constitutional structure of a society meets certain tests of moral worthiness, then every legitimate act of the political authority is equally morally worthy. But we must ask first; is the system itself morally worthy - is it founded on principles of justice and equality? Secondly, is the particular law or policy both legally and morally permissible? Otherwise, all legal obligations, for example paying taxes which finance our nuclear arsenal, would also be moral obligations.

But what if we view the obligation to serve in the military, not as an obligation to the state, but as a moral obligation to others? We could argue that the protection and defence of our family, friends and neighbours is something we are morally obligated to provide, and one way of fulfilling this obligation is through military service. But there is no guarantee that military service will protect and defend others any more effectively than deterrence, negotiation etc. In cases where it does not, then surely one cannot be morally obligated to perform a service which is both ineffective and futile.

I would argue that military obligation as a moral obligation towards others cannot exist within the *present nation-state system*, which defines such an obligation using nationalistic criteria such as the state, territory and citizenship, yet is exploitative in terms of its economic, political and social conditions. We would be defending what does not deserve so high a price. Thus, military obligation under *existing arrangements* is at most only a legal obligation, no different from my legal obligation to buy a TV licence. I am inclined, therefore, to agree with Bedau (1974) who views the military obligation as

"...a creature of the law, so that once a certain law is passed, he has this (legal) obligation, but in the absence of the law he has no obligation at all". (p.158)

In sum, I have argued that the exemption of conscientious objectors is morally sound, and we should liberalise the restrictive criteria to include moral and ethical as well as religious objectors, and selective as well as universal objectors, given that such refusals are conscientious. In view of the principles involved, some mechanism is needed to determine the sincerity of conscientious claims. Furthermore, I conclude that within the existing nation-state system, any obligation to serve in the military should be seen

as a legal rather than a moral obligation. The theories of political obligation which argue from parent/state, consent and benefactors perspectives fail, in my view, to show that citizens generally have a moral obligation to serve in the military and a political obligation to kill for the state. However, I now want to place the act of killing in war within a sociopolitical context, and move from a focus on individual decisions for and against dying and killing for the state, to government decisions for and against participation in war. After all, individuals wage war as members of collective entities, and resistance to aggression and oppression in the context of war, only counts as resistance if it takes a socially identifiable form. We now need to examine the sorts of considerations which are normally thought to justify resort to war - particularly those which feature in the tradition of just war theory.

JUST WAR THEORY

In my discussion of contingent pacifism I explored the idea that killing in war is morally on a par with other acts of killing. Yet it is surprising how many of us regard the former as less serious than the latter - for example, the soldier with blood on his hands is not regarded in the same way as a common murderer. To understand why this is the case it is important to view war as a complex phenomenon, and explore the many considerations affecting the morality of participation in war. For example, we have already addressed the question of individual decisions for and against participation in war, the reasons for refusal and the criteria on which conscientious objection should be based. However, there is also the question of whether a government is justified in committing a country to war in the first place. We need to consider therefore, the justifications used by states engaging in war, and the general policies and individual actions carried out while fighting a war - for example, whether the ends justify the means, the use of certain weapons, and questions about the criminal classification of certain acts of 'cruelty' carried out by members of the armed forces. Such issues will be the subject of the remainder of this chapter.

Yet some theorists (particularly those known as the 'realists') have insisted that a discussion of the morality of war is a futile exercise since, even if we accept every act of war as immoral, war itself can never be eliminated, for reasons having to do with biology, history or the nature of society. As Walzer (1977) points out:

The defenders of realism claim that what we conventionally call inhumanity (war) is simply humanity under pressure." (1977 p.4)

Those who view war as part of human nature argue that there is in humanity, a prominent animal element, and this involves violence and conflict (Lorenz 1966). Our aggressive instinct is a legacy from the distant past when it was of advantage to preserve the species. A Darwinian theory of evolution suggests that by a process of selection, we have developed 'warlike virtues'. According to the view from biology then, war springs from human nature, the basis of which is biological and hereditary -

thus, because of genetic structure, war is inevitable. Lydio de Mello (1969) strongly endorses this view arguing that:

"Study of human conflict reveals that there is a natural propensity of peoples for war, just as there is a natural propensity of species for struggle, and just as there is a natural propensity of individuals for crime."

The implication of this being:

"Because crime and war being natural phenomena - phenomena arising from natural propensities and causes...there will always be crimes and wars that Law and State will not succeed in eliminating." (in Ginsberg p.234-236).

But the biological evidence is inconclusive and it is unclear that humans have an ineradicable predisposition to war. It is implausible to suggest that we have an urge or a need to wage war in the same sense as we have sexual urges or a need to eat or drink (and even these vary among people). Moreover, aggressiveness does not necessarily lead to war - aggression is a feature of many aspects of human activity, but it leads very few of us to kill anyone. Indeed, individuals are also capable of rational and spiritual thought, and can thus conceive the consequences of aggression and find other outlets for this element (assuming such a biological one exists) than one as harmful as war. This disinclination to kill was reflected in the findings of Marshall's study of 400 infantry troops carried out during World War II. He found that on average only 15% fired guns in battle, the vast majority replying that their decision not to fire was based, not on fear, but on a reluctance to kill unnecessarily. This helps explain the importance of military training for changing peoples' attitudes to indiscriminate killing. As Gwynne Dyer (1985) points out:

"The business of armies, at the end, is killing, and so a crucial part of training people to be soldiers is teaching them to ignore the limits they normally place on the actual use of violence, so that in the right circumstances against the enemy, they will go all the way and actually kill him. For the vast majority of people, killing has to be taught, although there are exceptions." (p.117-8)

We can suggest then, that the fighting of war does not derive directly from human aggression, and so the origins and frequency of war must be traced to other factors.

Men have fought in wars for all kinds of reasons; excitement, adventure, sadism, escape from personal problems, recognition, wealth, a deep sense of patriotism, or simply because their governments order them to. Furthermore, states may go to war through motives such as territorial acquisition, struggles over resources or ideological or religious clashes. In the light of these various motives, I would argue that a more important influence for resort to war is not the biological determinism of the innate aggression of individuals, but the political implications of the transition from traditional states to the nation-state system of today. Although the events precipitating the outbreak of war might be varied, warfare is what happens when states clash and their disagreements cannot be resolved through other means. War is the ultimate test of power, a point made very clearly by the 19th century Prussian thinker Karl von Clausewitz when he declared that:

"War is simply the continuation of political intercourse...war cannot be divorced from political life; and whenever this occurs in our thinking about war, the many links that connect the two elements are destroyed and we are left with something pointless and devoid of sense." ('On War' 1977. p,605)

By presenting a brief historical outline it will become clear that the fighting of wars is one of the most obvious features of the first developments of states. In antiquity, larger states were empires, usually founded on military conquest and subordination of less powerful groups - armies were fairly small, often primarily providing protection for the sovereign or emperor. Larger armies were raised by conscripting peasants and by forming alliances with other military leaders. Despite limited use of standoff weapons (eg. catapults, crossbows, slings etc.), the basic mode of warfare during this period was face-to-face killing, and soldiers were armed with weapons (pikes, swords, axes etc.) dependent on human muscle power and designed for close combat. Within Europe, military strength was a major factor influencing which states survived and which did not. In 1500 there were some 500 or more states in Europe; by 1900 the number had shrunk to 25. (Tilly 1978).

From the early 18th century onwards, the armed forces of the leading states became larger than ever before. Soldiers became subject to regular discipline and training; armies, like other organisations, became bureaucratised. Moreover, just as mass

production became the core principle of industrial economies, mass destruction became the core principle of industrial age warfare. The 'machine age gave birth to the machine gun', to mechanised warfare and to entirely new kinds of firepower. The arms trade, in the modern sense, came into being in the latter half of the 19th century, as industrialists began producing weapons destined for both domestic and international markets. Large corporations devoted either wholly or partly to the manufacture of armaments and placing considerable importance on technical innovation, have played a leading role in military development and war ever since.

The industrialisation of war has been a crucial factor in the transition from LIMITED to TOTAL war, by creating new modes of destruction of an indiscriminate kind. The other major factor has been the development of mass democracy (see Chapter 4). Before the 20th century, even when large battles were fought, they involved only a small section of the population, usually professional soldiers or those directly involved with fighting. But the two World Wars were not limited in this sense, as Pearton (1990) observes:

"...war had changed from being the concern of the army as an elite, to being the business of society as a whole, and from the limited and rational application of force to unrestricted violence." (Pearton p.80)

Thus, with the growth of the modern nation-state, there arose a social system that linked mass production, mass consumption, mass education, mass communication and mass democracy with weapons of mass destruction. In the 20th century, the Clausewitzian analysis of war as an extension of politics and the military as an instrument of policy was turned on its head, as military thinkers turned to discussion of '**total**' war. Total war was to be waged politically, economically and culturally, and the entire society converted into a single war machine. For war to be total, the political order itself had to be subordinated to the military. And since everything supposedly contributed to a total war effort, then everything belonging to the enemy, both military and civilian, was a legitimate target. Today war could still be total, but not because of the political objectives of nation-states, but because of the type of weapons at their disposal. It is not surprising therefore, that in the nuclear age there have been calls, not

for the return of limited war, but for its abolition. This is a new phenomenon in the history of thinking on warfare and it will be explored in greater depth in Chapter 4. My purpose here is to show how a continued pessimism about the likelihood that war can be abolished has led theologians, jurists and philosophers, over the centuries, to speculate about the justification of war and how to limit its methods and effects. The result has been the '*just war*' doctrine which has two components: the first is concerned with the morality *of* war (jus ad bellum), which sets out the conditions under which one may have recourse to war; the second is concerned with morality *in* war (jus in bello) which addresses the manner in which war is conducted.

JUS AD BELLUM.

When we ask about the morality of war, we want to know whether or not engaging in war is ever morally permitted or justified. If nations may legitimately use war as an instrument of state policy, then we wish to know when and what the conditions are that would provide acceptable moral reasons for waging war.

It was St. Augustine of Hippo (354-430) who first made a powerful case for the justifiability of war, arguing that a war to be just must be declared by a legitimate authority and have a just cause. Just wars, according to Augustine, are usually defined as those which

"avenge injuries, when the nation or city against which warlike action is to be directed has neglected to punish wrongs committed by its own citizens, or to restore what has been unjustly taken from it." (Eppstein 1935. p.65)

Moreover, the primary objective of a just war is peace, so that "after the resisting nations have been conquered, provision may more easily be made for enjoying in peace the mutual bond of piety and justice." (ibid).

Augustine's recommendations were improved and elaborated by the medieval theologian St. Thomas Aquinas (1225-1274) in his 'Summa Theologiae'. His three

conditions for a just war included Augustine's 'legitimate authority' and 'just cause' but he adds to these a third requirement of his own, that of 'pure motive'. In other words, in the case of resort to war, it is required that one have 'right intention' - one must intend to promote good and avoid evil rather than act out of hatred or to gratify a lust for revenge. Merely having legitimate authority and just cause is insufficient.

How the justness of a war should be determined was examined even more closely in the 16th and 17th centuries by the Spanish theologians Francisco de Vitoria (1480-1546) and Francisco Suarez (1548-1617), who both added more prudential considerations. They were trying to counter the spread of holy war thinking that had come to pervade the just war tradition. In response to a large number of wars fought partly or wholly over matters of religion, they insisted that a war be just only if waged to correct some definite secular wrong (eg. defensive war would always be legitimate). Apart from this denial of religion as affording just cause, Vitoria and Suarez added that there should be a reasonable prospect of victory; every attempt should have been made to reconcile the differences by peaceful means; and the amount of force used should not be disproportionate to the end to be achieved.

To then recap, the grounds of *jus ad bellum* criteria are: 1) legitimate authority; 2) just cause; 3) right intention; 4) reasonable hope of success; 5) last resort; 6) proportionality. Now let us examine each criterion more closely.

Legitimate Authority.

The first criterion of a just war is right or legitimate authority, which determines *who* is primarily responsible for judging whether the other criteria are met. The requirement that a decision to go to war must be made by a legitimate authority is of particular relevance for our discussion of democracy and political obligation. What is 'legitimate authority'? For Augustine and Aquinas it was the prince, not private individuals. I would argue that today, a legitimate authority would be that arising from citizens collectively creating a polity through participatory voting in a democratic community, a community in which citizens have a self-assumed horizontal obligation to each other.

Within this democratic ideal (our good society to be outlined in the following chapter), it follows that if the polity has acted according to established democratic procedures, then the presumption ought to be that the polity's decision that the war is just is both legitimate and correct.

Just Cause.

Over the centuries, the issue of just cause has been the subject of considerable concern and much has been included in the concept. Classically, the requirement of just cause has recognised: to protect innocent life; to recover something wrongly taken; to punish evil; and self-defence which, in recent years, has been interpreted as 'response to aggression'. If the cause is just, then the nation will be responding to some prior wrong with the intention of righting that wrong. Let us look briefly at each of these four formulations.

As we have seen, 'defence of the innocent' can be traced back to Augustine. Yet this formulation flies in the face of much contemporary moralising, particularly the principle of non-intervention in foreign affairs (eg. the rather sluggish response of the international community to events in the former Yugoslavia). This is not to deny that the principle of 'defence of the innocent' is not open to abuse (used to justify both Vietnam and Gulf wars), but there still remain cases in which limited and proportionate intervention may be the most appropriate means to preserve this value.

'Recovery of something wrongly taken' must include some consistent and agreed-on means of identifying what belongs to one society and what to another, rather than assuming that what is one's own is simply whatever one says is one's own. The allowance of after-the-fact use of force to regain something wrongly taken is the source of the moral justification for Britain's military actions in the Falklands War.

The punishment of 'evil' is, in my view, an unhelpful formulation of just cause, not least because of its highly subjective nature. Moreover, since states radically disagree

on the matter of the rights, duties and values of human beings, it is virtually impossible, under present conditions, to expect a moral consensus on what constitutes 'evil' or 'wrongdoing'. This implies that this line of justification can become a justification for ideological warfare. This is not, of course, to deny the possibility of rational grounds for judging wars or acts of war as just or unjust, but it is necessary to point out that there is no moral consensus ready at hand about 'punishing evil' that is not itself substantially the reflection of the conventional views of states.

The first thing we discover when examining the 'right to self-defence' is that it is not an absolute right. For example, one might oneself be wrong in a particular conflict. Consider an individual who knows his country's aggressive war is unjust but decides to participate nevertheless. It is implausible to suggest that the unjust combatant is morally justified in killing innocent victims of his country's aggression when they take up arms and threaten his life. This absolute right to self-defence would allow a murderer to justifiably kill anyone threatening his life to prevent him killing again. It follows that if the right to self-defence is not a moral absolute, then the means of self-defence may not be unlimited, as I will argue in my discussion of 'jus in bello', there may be other values to consider.

In the 20th century, just cause seems to have been narrowed down by many just war theorists to almost a single circumstance; response to aggression. In a number of international agreements such as the League of Nations Covenant, the 1928 Kellogg-Briand Pact and the London Charter, the emphasis is on aggression. Thus, the notion of aggressive/defensive wars seems to have replaced the distinction between just/unjust wars in recent years. Many people take the view that it is always wrong for a government to start a war, but always legitimate for a government to meet external aggression with force. But there seems no reason in principle why it should be wrong to start a war. As Anscombe (1969) points out:

"The present day concept of 'aggression', like so many strongly influential conceptions, is a bad one. Why must it be wrong to strike the first blow in a struggle? The only question is, who is in the right?"
(p.286)

Thus, it is wrong to assume that every initiation of fighting is automatically to be identified with unjust aggression. A more important consideration is how we are to define aggression.

It is possible to identify three concepts of aggression (Holmes 1989 p.146-182).. First, aggression may be understood in a *neutral* sense (when hostilities are initiated without consideration of jus ad bellum criteria, but on a 'who fired first' basis). Second, aggression can be understood in a *normative* sense (still concerned with the initiation of hostilities, but judged according to jus ad bellum criteria). Finally, aggression can be conceptualised as *implicit*, a concept used by the United Nations. This concept does *not* require the initiation of hostilities, only the threat (albeit a serious one) of aggression. This is the definition used by Michael Walzer (1977) who contends that:

"...aggression can be made out, not only in the absence of a military attack or invasion but in the probable absence of any immediate intention to launch such an attack or invasion. The general formula must go something like this: states may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence. Under such circumstances it can fairly be said that they have been forced to fight and that they are the victims of oppression." (p.85)

The problem with this 'implicit' concept is that when 'aggression' is narrowed down in this way to a 'threat of war' without the 'intention to attack', we are opening the way for every state that initiates hostilities to cite just cause on the grounds of response to aggression. It follows that if response to aggression is viewed as legitimate self-defence, then almost every war can be seen as just. In short, it is important when considering response to aggression as just cause, to be clear about which concept of aggression we are using.

Walzer's theory (that war is justified when it is the defence of a political community against aggression) has been subject to further criticism by Norman (1988), who takes issue with Walzer's 'morality of rights'. Walzer presents an analogy between a state's rights to territorial integrity and political sovereignty on the one hand, and an individual's right to life and liberty on the other. For Norman, this analogy fails to establish that the need to resist aggression is a sufficient justification for resort to war

for the following reasons. First, Norman argues that a state's loss of territorial integrity through foreign conquest cannot possibly share the same ethical status as the loss of a human life. Loss of life involves complete destruction of a human being whereas loss of territorial integrity does not amount to the complete destruction of a nation. After all, regardless of who wields political control, many institutions and traditions (cultural, religious, economic etc.) are likely to continue, whether overtly or covertly. Moreover, even if a communal way of life is wiped out, it is still not ethically equivalent to the taking of human lives - communities may disappear but individuals live on. Indeed, it appears that Walzer's analogy is applicable only in cases of genocide and cannot work when applied to the crime of aggression. It should be noted however, that Norman's critique of Walzer is not an attempt to undervalue the importance of a 'common life' for individuals, but to emphasise that a 'common life' can only be realised in individual lives. He concludes that Walzer's analogy supporting military response to aggression fails to morally justify the wholesale taking of human lives.

Right Intention.

This criterion is related to just cause - war can be legitimately intended only for the reasons set out above as a just cause. But it also encompasses motives; for example, Augustine ruled out hatred and revenge, others insist that lust for power, the destruction of entire races and national populations can never be morally justifiable intentions. These criteria are important because of their implications for 'jus in bello' (how war is conducted). If a nation's war aims are based, for example, on racial hatred, then the means employed may involve genocide. If, on the other hand, the ultimate object of war is peace (as Augustine insists), then the means employed and the duration of the fighting will also be affected, for there will be a duty to restore the 'normal' state of affairs as quickly and as surely as possible. Thus, if, as Rawls (1972) argues, the final objective of war is a 'just peace' then:

"...the means employed must not destroy the possibility of peace or encourage a contempt for human life that puts the safety of ourselves and of mankind in jeopardy." (p.379).

Analysis of intentions then is important for its close relation to 'jus in bello', that is, the choice of means in waging war. Yet such an analysis is problematic, as we shall see later.

Fair Chance of Success.

If the true object of war is to provide a better peace, then a war is only just if the conditions of the nation waging war (or of the nation it is supporting) have a decent chance of improvement after the fighting ends. In other words, before engaging in war there must be some fair chance of success, it would be irrational and futile if there were absolutely no possibility of winning. But is this really the case? For example, success could be interpreted as defending values and self-respect even when defeat is inevitable. Consider the condemnation, expressed by some thinkers, of the Jews who 'died like sheep' in Nazi Germany, in comparison with the almost universal respect shown to those who vigorously resist oppression and perform heroic acts. Despite war being a horrific business, the concept of 'dying well' (usually retrospectively applied) is significant here, as borne out by the well-established practice of showing the nation's respect and gratitude through war memorials, 2-minute silences, solemn parades and so on. In some cases therefore, loss of life may be deemed justifiable by some, if it preserves significant values beyond the number of lives lost and defence of territory and sovereignty.

Last Resort.

For resort to war to be justified, all peaceful alternatives must have been exhausted, or at least be regarded as having little probability of success. The counterpart to this criterion is the requirement of a 'formal declaration of war' which are the 'last measures of persuasion short of force itself' (Childress 1986 in Wakin p.264). This reflects the responsibility of the legitimate authority to inform the participants (including its own citizenry as well as the enemy) and justify its decision for waging war. The

requirement that war be the last resort can, however, be difficult in the absence of an effective international mediator or in cases where the nation views the prevention rather than the advancement of a peace settlement as more advantageous to themselves.

Proportionality.

The final criterion of 'jus ad bellum' is proportionality (which is also a requirement of 'jus in bello'). This means that the damage to be inflicted and the costs incurred by war must be proportionate to the good expected by taking up arms. Or as Ramsey (1968) puts it:

"It can never be right to resort to war, no matter how just the cause, unless a proportionality can be established between military/political objectives and their price, or unless one has reason to believe that in the end more good will be done than undone or a greater measure of evil prevented." (p.195.)

But calculating gains and losses cannot be done with any precision - who in 1939 could predict the full horror of Nazi concentration camps and the use of nuclear weapons? Similarly, to demand that people engaged in war preserve a sense of proportion is also difficult. World War I is a classic example of the loss of a sense of proportion - the difficulty of controlling the course of the war combined with the propagandist techniques which viewed the enemy as sub or super-human and the egoism of the war leader, led to such futile massacres at Verdun, the Somme and Passchendaele, all for a few kilometres of worthless territory. Moreover, the loss of millions of men merely led to repeat performances of failed offensives. Preserving a sense of proportion is to retain some sense of the humanity of all participants and to serve as a constant reminder of what the point of war is, and not get side-tracked into doing something else.

As mentioned earlier, the requirement of proportionality is also one of the criteria of 'jus in bello' to which we now turn our attention. It should be noted from the outset that a war that otherwise might meet the 'jus ad bellum' criteria set out above could

become an unjust war if a nation, even acting defensively, employ evil means. Thus, in the period from the 17th to the 20th centuries, the development of the just war doctrine has focused on political theories of the state and the nation-state system, international law, and conceptions of military codes of conduct.

JUS IN BELLO.

By the 18th century the concept of 'jus ad bellum' had virtually disappeared and jurists concerned themselves not with the cause of a conflict but with its conduct. This was the golden age of 'jus in bello' and the 'limited' war. Two developments contributed to this shift in focus; the emergence of nation-states raised questions about the actions, rights and obligations of states. Hugo Grotius, writing in the 17th century, defined external sovereignty in legal rather than moral terms (motivated partly by the opposition of merchants to unnecessary disruptions to commerce and colonial expansion), and it was now states rather than 'peoples' who became the subjects of international law.

So what is international law? There is no clear-cut answer but jurists identify three sources: natural law, custom and convention. Briefly, natural law has been represented as a 'moral code' that transcends 'manmade' laws, it is part of our 'common-sense' or, in Aquinas' view, represents 'god's plans'. More generally, natural law is simply the view that, in law, moral considerations are paramount. Customary law is, obviously, a set of legal norms that develop through custom, that is, without design or legislation, a kind of international common law. Finally, conventional law refers to treaties and conventions which contribute to the establishment and acceptance of international rules that states recognise (although they are binding only upon states that are party to a particular treaty or convention). During the period of jus in bello, natural law gradually gave way to customary law which, today, is widely recognised as the major source of international law, which in turn is codified in conventional law.

The 18th century jurist Vattel recognised all three sources of international law but, in addition, he recognised 'voluntary law' - one of the rules of which is 'that regular war as regards its effects, must be accounted just on both sides'. (Holmes 1989. p.156.) This does not mean that from the standpoint of natural law both sides *are* in the right, only that from the standpoint of legality they should both be accounted in the right. The reason for this, according to Vattel, is because in the state of nature that exists among states, none can dictate morally to others, there is no 'recognised judge' among nations.

He suggests, therefore, that territorial acquisitions should be regarded as legitimate (subject to claims to recovery) because such prohibitions cannot effectively be prohibited. This would seem to grant licence to states to seize whatever they want whenever the opportunity arises - something history has proved beyond doubt (consider the spoils of European colonialism, appropriation of N. America and Australia from the Indians and Aborigines respectively).

Thus, for Vattel, the state of nature of natural law dictates that for the good of all, both sides in a war be considered just. These rules made up the 'voluntary law' of nations which together with conventional and customary law, makes up what he calls 'positive law'. But Vattel's emphasis on legitimate acquisitions in war led him to add one further humanitarian requirement. He argued that each state must consider the outcome of a war - that the civilians of the enemy may become one's own subjects, that the enemy's territory may eventually fall within one's own boundaries. Thus, there was an incentive *not* to treat civilians cruelly and to attempt to keep the economic base of the society intact. Hence, a focus on jus in bello.

The second development contributing to the formulation of international law was the advance in weaponry brought about by the industrial revolution which I outlined earlier. The industrialisation of war and the development of weapons of mass destruction highlighted the need to mitigate its horrors - hence the formulation of the so-called 'laws of war'. Thus, a focus on the obligations and rights of states and technological advances in the means of warfare constitute the jus in bello of just war theory. Today jus in bello deals with two aspects of the international law of war; discrimination and proportion.

Discrimination.

This principle dictates that just response to aggression must be discriminate; it must be directed against unjust aggressors (unjust in the sense of contravening the laws of war), not against innocent people caught up in a war not of their making. Thus, directly

intended attacks on non-combatants and non-military targets are not legitimate. Moreover, the principle also imposes restraints on the behaviour of combatants towards prisoners of war, the wounded on the battlefield and 'protected persons' such as medical personnel and chaplains.

But, as we shall see, the requirement of discrimination raises a number of questions, not least about the term 'intentional', the category of 'non-combatant' and the meaning of 'military'. How easy is it to determine who is directly involved in a war effort and to what degree? Should munitions workers be classed as combatants? What about chaplains and medical personnel who serve the soldier thereby contributing *indirectly* to the war effort? Does the enemy soldier cease to be a combatant when wounded? Problems also arise with the prohibition against direct attacks on non-military targets. How do we decide what is and what is not a legitimate military target? To what degree do factories or a war office in a city centre invite attack, and who is directly responsible for the death of non-combatants in such attacks? The apparent arbitrariness of some of the rules of discrimination need to be examined.

The principle of discrimination thus determines who are the 'proper players' in a war and who not, what is referred to in just war theory as the combatant/non-combatant distinction. We may recall that, according to *jus in bello*, there must be no intentional killing of non-combatants (interpreted as the innocent) whether civilians or prisoners, yet the idea of non-combatant immunity continues to be a controversial subject. For example, some theorists (eg. Anscombe) see it as an instance of the prohibition of killing the innocent which holds whatever the consequences. Others (eg. Nagel) try to ground the principle in absolutism or accommodate it within utilitarianism (Brandt). So why is it morally acceptable to kill a soldier but not acceptable to intentionally kill civilians who may or may not contribute to the war effort?

The fundamental difficulty with the principle of non-combatant immunity is determining who is, and who is not, a combatant. The combatant/non-combatant distinction is by no means clear, particularly in the context of modern war which involves the mobilisation of military, economic, political and social sectors. We need

to ask ourselves; are combatants those military personnel who are directly involved in the fighting, or should we also include munitions workers, members of the International Red Cross, army chaplains and so on? Some (eg. US Catholic Bishops) would discount farmers, schoolchildren, the elderly and hospital patients, others (eg. Childress) argue that those who serve the needs of combatants as *people* rather than military personnel (eg. medics, army chaplains etc.) should be classed as non-combatants even though they may directly aid the war effort.

Anscombe (1969) argues that it is murderous to attack innocent parties. She states that:

"...people whose mere existence and activity supporting existence by growing crops, making clothes etc.; constitute an impediment to him (the attacker) - such people are innocent and it is murderous to attack them, or make them a target for an attack which he judges will help him towards victory. For murder is the deliberate killing of the innocent, whether for its own sake or as a means to some further end." (p.287)

For Anscombe, 'innocence' is a legal notion' but, in warfare, more often than not, this means that defining the 'innocent' will be controlled by each side's conception of justifying a given war, and the degree to which each perceives the enemy population as having a military dimension. Margolis (1974) emphasises this by pointing out:

"The constraints on attacking this or that fraction of an enemy population depends at least on the clarity with which a distinctly professionalised army may be specified: talk about the people's militia, treat every infant as a budding soldier, organise the farmer as the nation's fighting force, and you will have blurred the very basis on which the older distinction between combatant and non-combatant was drawn." (in Held. p.252)

But we still need to challenge the assumption that there is something about the status of combatants which makes it permissible to kill them, unlike killing non-combatants which amounts to killing the innocent. The implication here is if non-combatants are innocent, then combatants are guilty, but guilty of what? Suppose World War II was a just war. Does it follow that every German soldier was in some sense deserving of

death in a way that no German civilian was? To judge a combatant 'guilty' seems wholly inappropriate so maybe we need to look more closely at the notion of 'innocence' - in what sense can non-combatants be called innocent?

Could it mean *moral* innocence? But if *moral* guilt and innocence are in question, it is possible that many politically active citizens may bear more guilt for a war than many conscripted soldiers. Consider the German pacifist, an opponent of Nazism, who accepts conscription only under duress and compare him with a fervent supporter of Nazism who avoids combat merely from cowardice. I may feel the latter carries more guilt than the former. Moreover, even if we assume that the combatant/non-combatant distinction is clear, there is the question of why it should be considered morally important. The death of a combatant is no less a tragedy for him and his loved ones than the death of a non-combatant. For Murphy (1986) the relevant distinction is this:

"Combatants...are all those of whom it is reasonable to believe that they are engaged in an attempt at your destruction. Non-combatants are all those of whom it is not reasonable to believe this." (in Wakin p.348)

Combatants, for Murphy, include not only soldiers but their political and military leaders, and others who contribute directly to the war effort such as, perhaps, workers in munitions factories. Those who are not directly engaged in an attempt at your destruction are non-combatants and are thus innocent. But this still fails to explain why such a contrast should carry such ethical significance.

Murphy appeals first to a theory of rights - when combatants are engaged in an attempt to destroy you, to violate your right against interference, he forfeits his right not to be killed by you. But merely being a threat to others is hardly a justification for forfeiting one's rights - surely one must be morally guilty of something? And the vast majority of combatants, even if fighting an unjust war, are not personally morally responsible for the attempt at your destruction (unlike, possibly, their military and political leaders). And it must be remembered that any willingness to kill you must take account of the moral constraints imposed by war. If we accept this, then the justification for their deaths because they have forfeited their rights cannot be upheld.

But Murphy adds one further stipulation. By appealing to the idea of self-defence (which, for him, is the only plausible justification for going to war), Murphy says that 'one must in waging war confine one's hostility to those against whom one is defending oneself'. (p.350) But he himself admits that he is 'skeptical that the 'self' to be legitimately defended must also be the nation or state (p.351), and thus uses the concept of individual self-defence. But if the only killing which the combatant/non-combatant distinction can justify is face-to-face killing for survival rather than victory, then it is a great deal less than the theory is intended to justify. I may not kill anyone whose death would help to preserve my life or my comrades' lives, but only someone who is morally responsible for the threat. By extension then, I may justifiably assassinate those political and military leaders who initiated the war.

Thomas Nagel (1974), in his absolutist defence of the prohibition of killing non-combatants also views combat as a personal relation. His account is a critique of the utilitarian view of which he says:

"The policy of attacking the civilian population in order to induce an enemy to surrender (eg. Dresden, Nagasaki, Hiroshima), or to damage his morale, seems to have been widely accepted in the civilised world...It gives evidence of a moral conviction that the deliberate killing of non-combatants - women, children, old people - is permissible if enough can be gained by it. This follows from the more general position that any means can, in principle, be justified if it leads to a sufficiently worthy end." (p.7)

Nagel notes in his absolutist account that the prohibitions in war are restrictions either on the people who may be attacked or on the means of attack. He suggests that these can be combined under the following principle:

"...whatever one does to another person intentionally must be aimed at him as a subject, with the intention that he receive it as a subject. It should manifest an attitude towards him rather than just to the situation, and he should be able to recognise it and identify himself as its object". (ibid)

This principle of hostility as a personal relation seems to lay down two requirements which are rather vague; one about my attitude to the person I attack, the other about his

acceptance of my attitude as justifiable. But must I feel personal hostility towards the soldier I kill in combat? It may be that I feel more hostility towards enemy civilians who actively support the war. So does this make killing non-combatants right and killing combatants wrong? Moreover, why can I not offer a utilitarian justification to a civilian I am about to kill? I may feel that his death is a necessary means to the avoidance of a great evil, his side winning. If *he* considers this justification unacceptable, why cannot the combatant find it equally unacceptable? Indeed, why should his perception (or misperception) of my actions matter at all? Thus, a number of questions need to be answered before Nagel's principle should be accepted.

So what of the utilitarian view? R.B. Brandt (1974), using the idea of the Rawlsian contract, suggests that people both impartial and rational would choose rules of war that would maximise expectable utility. Brandt's first rule on humanitarian restrictions causes no problem - where such restrictions incur no cost to military operations it is in everyone's interest to observe them. However, where humanitarian restrictions may prove costly to military victory Brandt has this to say:

"A proper (not ideally precise) rule for such operations might be: substantial destruction of lives and property of enemy civilians is permissible only when there is good evidence that it will significantly enhance the prospect of victory." (p.36)

Implicit in this view is a justification of the loss of civilian lives which focuses on a morally significant distinction between bringing about the death of an innocent person deliberately, either as an end in itself or as a means, and bringing it about as a side-effect of something else one does deliberately. This principle of 'double-effect' is thus explained in terms of the difference between intended and foreseen consequences.

One very important idea derivable from the principle of double-effect is that moral principles govern not so much action as intention. If you are blackmailing me and I poison you, then I intend your death as a means to ensuring my own safety. If, during a violent struggle, I hit you in self-defence and you die, this can be a foreseen but unintended consequence of my blow, rather than the intended means of my defence. In

application to war, the law of double-effect permits a certain number of civilian deaths as a side-effect of bombing munitions plants or attacking enemy soldiers.

But how do we draw the line between intended means and a foreseen inevitable consequence? If one bombs a village which one believes is harbouring enemy combatants, and work on the assumption that if one kills most of the civilians one is likely to kill most of the combatants, who is to say that such an indiscriminate attack on the civilians is no more than a *means* of killing the combatants? Assuming that one would not have bothered bombing the village if other more selective means were available, how can the civilian deaths be regarded as a mere side-effect?

It is crucial for the doctrine of double-effect that it stipulates that acts which fall under certain descriptions are described accordingly. But this is problematic. Using the above example, that act may be described not as 'killing everyone in the village' but as 'obliteration bombing of the area'. According to this interpretation, civilian deaths can now be viewed not as a means, but as a side-effect of that action. The setting of some limit on the description of acts in terms of their consequences (even if open to debate) thus raises some serious difficulties, yet without such limits the doctrine of double effect forbids nothing. This alone is a sound reason for rejecting the principle.

In sum, it could be that an attempt to draw a distinction between combatants and non-combatants, and a fair line between intended and foreseen consequences is naive. Moreover, the indiscriminate nature of modern technological weaponry not only threatens to make a mockery of the combatant/non-combatant distinction, but also renders the distinction between intended and merely foreseen consequences as worthless. It is to the principle of proportion that we now turn.

Proportion.

We have seen that the principle of proportionality requires that response to aggression must not exceed the nature of the aggression - it is concerned, therefore, with means

and ends. So from the standpoint of proportionality we must ask: after calculating the gains and possible harmful consequences that will result from using the means, can its use still be justified? Such a requirement obviously rules out acts of 'cruelty' and 'wanton destruction' if they are not deemed 'militarily necessary'. In practice, this requires warring parties to observe restraints on the means of war including weapons bans. For example, specific weapons such as 'dum-dum' bullets and explosive and inflammable projectiles weighing less than 400 grammes (anything under 400 grammes is designed to incapacitate one person only) is prohibited, because it is to inflict unnecessary and superfluous injury to that one person. It is *unnecessary* suffering that holds no military advantage.

Yet observing the principle of proportionality has become more and more difficult in recent years as modern warfare has increased in range, speed and lethality. Almost anywhere on the planet can now be targeted by intercontinental ballistic missiles, refuelled long-range bombers etc., and that is without even considering the potential of space-based weapons. Moreover, the US Alpha chemical laser developed in 1991 demonstrates the speed capacity of modern weaponry - it is claimed that the laser, capable of producing a million watts of power, can reach an enemy missile at the speed of light. As for lethality, today's conventional weapons have a kill-capacity which threatens to make nonsense out of the notion of proportionality. Non-nuclear weaponry is now 10,000 times more deadly than it was at the beginning of the industrial revolution.

One category of conventional warfare which has attracted a great deal of research, despite international agreements to ban it, has been chemical and biological weaponry. The widespread revulsion of this kind of warfare can be traced back to the chlorine, phosgene and mustard gas attacks of World War I, which killed 100,000 people and injured another million. Biological warfare has a longer history - for example, in the 1760s in wars against the Canadian Indians, the British spread smallpox using contaminated blankets. In 1925, the Geneva Protocol prohibited the use (but not the production and development) of asphyxiating, poisonous or other gases and of bacteriological methods of warfare. Most countries adopted the Protocol although

some 40% of the parties reserved the right to use chemical weapons to retaliate in kind. Such countries therefore hold stocks of chemical and biological weapons and continue research and development in connection with them. This is borne out by claims that states have breached the more recent 1972 Biological and Toxin Weapons Treaty (eg. US with Agent Orange, Japan with plague bacteria, Britain with anthrax weapons etc.).

Although most opponents of chemical and biological weapons do not discriminate between the two, proponents point to a crucial difference which has implications for just war theory. It is argued that the military are not greatly interested in biological weapons for a number of reasons: biological agents tend to die quickly; their spread is exceedingly difficult to control; and they are often very slow to take effect. Chemical agents, on the other hand, are deemed by the military as tactical armaments - they are more predictable and they can be limited to battlefield use. Thus, from the standpoint of just war theory, chemical weapons can be justified, particularly as a limited war deterrent, but biological weapons cannot. Yet chemical and biological weapons do share one important similarity. Small nations could produce them cheaply in strategically significant quantities. Taking into account the inadequate health care systems of such societies, chemical and biological weapons can be regarded as potential weapons of mass destruction, made all the more dangerous if they proliferate.

If chemical weapons can be justified by just war theory (and I am not convinced that they can), can waging war with nuclear weapons ever be justified? When great weight is given both to the principles of discrimination and proportion, it is difficult to envisage any circumstances in which nuclear war could be justified. However, for some of the theorists discussed below, this is clearly not the case.

It is often pointed out that nuclear wars vary in scale. So could we suggest that while a nuclear war between superpowers should be avoided at all costs, a local nuclear war between small countries would be much less serious, as would war between major powers waged only with tactical nuclear weapons?

It is worth pondering briefly on the possible outcome of a 'less serious' limited war - for example, if such a war occurred in a populated region (eg. Central Europe), it might

result in 5 to 10 million immediate deaths, a similar number of latent deaths and a similar number of seriously injured, to say nothing of long-term environmental damage. (Barnaby 1984 p.118). As if this prospect were not horrendous enough, there is always the danger of limited nuclear war escalating into all-out nuclear war which could result in several hundred million deaths, perhaps as many latent ones again, the collapse of civilisation as we know it and severe disruption of the natural environment.

States do recognise that the effect of using nuclear weapons would be catastrophic to all, and therefore justify their possession in terms of deterrence. However, the disastrous effects of a major nuclear war on neutrals and future generations, the unavoidable loss of non-combatant lives, the disproportion between its disastrous consequences and any attainable objective, are all potentialities that demonstrate how deterrence works against the principle of proportion. But proponents of deterrence have put forward a number of arguments in its defence.

The first is based on the *hope* that nuclear deterrence will be effective. I find this argument untenable simply on the grounds that trusting to luck and offering one's citizens as hostages carry little moral weight for justifying a policy of deterrence. Moreover, we have discussed the just war criterion which covers *intention* as well as action - if we view nuclear deterrence as the intention (albeit conditional) to wage disproportionate and indiscriminate war, then deterrence is morally wrong. Nevertheless, a supporter of deterrence may put forward a second argument: what if the other side do it first? But a question that reduces individuals to 'them' and 'us', ignores the fundamental rights we have placed so much emphasis upon: i.e. the right of non-combatant immunity; the right to be treated with a sense of proportion; and the right to have one's humanity treated as an end. The latter, as I argued earlier, is of considerable importance, because preserving a sense of proportion is to remember the rights of individuals, not states. But the proponent may respond by asking: as we are all individual members of states, are we not all legitimate targets? But at the risk of becoming repetitive, we need to, again, recall the political character of modern states and the role of the citizen within them. I have argued throughout that in liberal democracies there is an electorate which chooses, within very narrow limits, some of

the decision-makers (excluding senior civil servants and military leaders among others). We can argue therefore, that the citizenry does not take the relevant decisions on war and peace, and, in this sense, is non-combatant. The fact that military/political leaders declare that they 'act on our behalf' does not violate the right of non-combatant immunity. But some theorists argue that *jus ad bellum* **can** override *jus in bello* in circumstances where they conflict.

For instance, Walzer (1977) calls such circumstances 'supreme emergencies' and cites the Nazi threat of World War II as an example. For him, rules governing the conduct of war (including the killing of the innocent) may be violated in the promotion of a just cause (response to aggressive threats to political sovereignty or territorial integrity of a state). He states:

"The very existence of a community may be at stake, and then how can we fail to consider possible outcomes in judging the course of the fighting. At this point if at no other, the restraint on utilitarian calculation must be lifted." (p.268)

Thus, in cases of 'supreme emergency' (defeat likely to bring disaster to a political community), exceptional measures are called for precisely because they are 'militarily necessary' for the preservation of the political community, presumably meaning the nation or state. But the ambiguity of 'military necessity' can then justify any end for which one is fighting and any means for achieving that objective simply by being 'necessary'. Thus, **any** side can use military necessity to justify resort to war or the choice of means used in its conduct. Indeed, as Holmes points out, Hitler's 'Mein Kampf', by warning of Jewish and Communist 'threats' to the German state and German values, can be viewed, according to Walzer's criteria, as a declaration of supreme emergency. The point is, whether Hitler's perception of the Jewish threat was correct or not, what is important is that Hitler **believed** it so. Holmes (1989) sums this up nicely when he states:

"...to justify the killing of innocent persons when necessitated by supreme emergency is to say, in effect, that nations may resort to such measures when they believe they confront such an emergency";

moreover:

"it is always the nation proposing to resort to war that is the judge of whether it has justice on its side or whether a given emergency is 'supreme'. ('On War and Morality' p.169.)

In short, if Walzer's principle of 'supreme emergency' is a moral principle, then he must be prepared to give it universal application, which may include its use by fascist regimes bent on genocide. Walzer is not alone in arguing that *jus ad bellum* may override or violate *jus in bello* where the two conflict. For example, Ramsey does not see the principle of non-combatant immunity as precluding the use of nuclear weapons, and employs the doctrine of double effect to justify the sacrifice of non-combatants. Similarly, J.T. Johnson (1986) assumes certain values to be so important that in situations of supreme emergency 'higher' values may be favoured over lower ones. For him:

"...the values constituting the *jus ad bellum*', having priority over those of the *jus in bello*...have to be honoured in such a case, even at some expense to the latter." (in William p.48.)

The problems surrounding 'supreme emergency' and 'military necessity' also have implications for the use of unjustifiable means which constitute 'crimes of war', as defined by the 1945 Nuremberg Charter.

The Nuremberg (or London) Charter, adhered to by 23 'united nations' formed the basis for the 1945-6 Nuremberg trials, under which 24 defendants (largely major 'war criminals' of the Third Reich) were charged with one or more general types of crimes of war: crimes against peace; crimes against humanity; war crimes; and conspiracy to commit any of the first three crimes.

'Crimes against peace' (Article 6(a) of the Charter) were taken by the International Military Tribunal to pertain to the initiation of 'waging a war of aggression' and hence belong to that aspect of international law dealing with recourse to war (*jus ad bellum*), and limited to higher, more authoritative military and civilian officials. However, the idea of crimes against peace is problematic, not least because of the difficulty of defining 'aggression' in which, as I pointed out earlier, we have no workable definition. Another problem is that by upholding the doctrine of sovereignty (by making

'aggressive war', that is, a violation of sovereignty, a crime), Article 6(a) protects the sovereignty of *all* states, even criminal states, provided they do not launch wars. Given these difficulties, it is worth noticing that only 1 Nuremberg defendant was found guilty of crimes against peace and received 20 years imprisonment. The others were convicted in addition of war crimes or crimes against humanity.

Crimes against humanity were defined by Article 6(c) of the Charter as consisting of various inhumane acts against 'any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal'. (Agreement by the Govt. of the USA, the Provisional Govt. of the French Republic, the UK, and the USSR for the Prosecution and Punishment of the Major War Criminals of the European Axis, August 8th 1945, E.A.S. No.472, 82 U.N.T.S. 279) The significance of crimes against humanity (which include genocide) lies in the fact that international law here requires individual obedience to higher moral principles, and that these principles could prove binding even on actions directed solely against a nation's own populace or that of an ally. The charge made against this category, however, is that it constituted retroactive law - that is, such crimes were not violations of international law, they were not envisaged and there was no occasion to legislate against them. Yet given the enormity of the Nazi outrages, it has been argued that the Allies, in the name of justice, had no choice but to resort to the practice of retroactive legislation. A second difficulty is that this category undermines the doctrine of sovereignty and thus stands in sharp contradiction to Article 6(a) or crimes against peace. This may explain why the Tribunal was careful to restrict its attention to actions which occurred in connection with the war. Because, on its face, crimes against humanity are, in some circumstances, irreconcilable with the doctrine of sovereignty, the Tribunal's caution may have been partly a response to a genuine dilemma: prohibit certain peacetime actions as crimes against humanity and you may provide a pretext for intervention by one state in the affairs of another of the kind that the rules against 'aggression' were meant to prohibit. However, it could also have been partly a response to the need to ignore Allied atrocities. In this sense, the Nuremberg prosecutors laid themselves open to the charge that they were indulging in 'victor's justice'. a charge that undermined

their moral authority. The Allies were thus vulnerable to the 'dirty hands' defence - that they were conveniently ignoring their own actions.

The third category 'war crimes' (listed second in the Charter) were taken to pertain to the conduct of war) *jus in bello*) and constitute the following:

"Namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment of or deportation to slave labour or for any other purposes of civilian populations of or in occupied territory; murder or ill-treatment of prisoners-of-war or persons on the seas, killing of hostages, plunder of public and private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity." (ibid)

These prohibitions formed the basis for the trial of many common soldiers who fought on the Axis in World War II, thereby providing precedents for future wars, legitimising war crimes trials of individual soldiers based on their individual responsibilities. Fifty years on, an international criminal tribunal has been set up to try war crimes in the former Yugoslavia and in Rwanda. Bosnian Serb leaders Radovan Karadzic and General Ratka Mladic have both been charged with being individually responsible for war crimes. A focus on the individual at Nuremberg was demonstrated by the fact that both Nazi perpetrators and their victims were seen not as states or collective entities (eg. Germans, Jews) but as individual human beings. To highlight the tension between individual and collective responsibility, it is worth examining some of the arguments put forward by the Nuremberg defence.

For example, the defence argued that only states had customarily been considered the subjects of international law. The reasoning was that, even though it was true, as the prosecution pointed out, that acts of states were acts of men, nonetheless individuals were not personally responsible for such acts and should not be punished for them. In short, the defence was applying the 'act of state' principle, by which the political leaders of a country would not be held responsible for the actions of their state. The doctrine was, however, rejected under Article 7 of the Charter which declared that:

"The official position of Defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment." (ibid).

Again then, the classical concept of sovereignty is being undermined. By making even sovereigns legally liable for their acts, Article 7, in effect, denies that the sovereign is the sole source of law in his state. However, while I endorse the view that state functionaries should bear some responsibility for their actions (the higher the rank, the greater the culpability), I would question the dismissal of 'act of state' as mitigating punishment because it ignores the sociopolitical context within which the individual finds him or herself. In my view, the background of individuals who had been brought up to obey absolutely state orders (that is, a state form that offered little or no scope for autonomous decision-making) and accept that they bore no responsibility for state actions, as in Nazi Germany, should be relevant to their punishment. This is not to deny culpability but to take into account a particular state form from which an individual takes orders as mitigating punishment.

Similarly, the Nuremberg defendants argued that they had been under orders with regard to some of the alleged crimes. These orders were embodied in the 'Führerprinzip', according to which Hitler's orders were binding upon the citizens of Germany. However, the defence of 'superior orders' was ruled inapplicable in determining a soldier's guilt or innocence by Article 8 which stated:

"The fact that the defendant acted in pursuant to order of his government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determined that justice so required." (ibid)

Indeed, with regard the doctrines of 'act of state' and 'superior orders', Robert Jackson, chief US prosecutor, went as far as to say in his opening address at Nuremberg:

"The idea that a state, any more than a corporation, commits crimes, is a fiction." (The Guardian. 28/11/95 p.5).

Yet if a person is responsible for actions taken by him under orders then a rather important question concerns the extent of such responsibility. For example, is it a soldier's duty to establish whether an order is in fact the commission of a war crime?

The Tribunal was vague on this point merely stating that "the true test which is found in the varying degrees by the criminal law of most nations is not the existence of the order, but whether moral choice was in fact possible." (Nuremberg Tribunal Judgement 42). But what does moral choice amount to? Should it take into account the dilemma faced by the soldier in combat - that if he fails to act heroically by placing his own life above others he should be penalised? Or should it take into account the degree of choice exercised by the individual which concerns the likely consequences of disobeying an order? In either case, what is missing from both these interpretations is the influence of military training which (by discouraging questioning) is clearly not conducive to autonomous decision-making, moral or otherwise, by common soldiers. A larger part of military training involves exerting pressure on the soldier to conform to specific orders - an insistence on absolute obedience ensures that military operations will not be hampered by discipline problems. There is very little scope therefore, for a soldier to disobey an order which is illegal on its face. Wasserstrom (1974) draws attention to the constraints imposed by military training, arguing that:

"...it is not sufficient to excuse him (the soldier) when moral choice was not present, he ought, perhaps, to be excused whenever he does what he is told to do because this is what he will have been trained to do." (in Held. p.59)

For Wasserstrom, even in cases where superior orders are absent and soldiers engage in gratuitous violence (eg. My Lai), the typical combat situation and the morally corruptive effects of modern war, serve to diminish (but certainly not deny) culpability. The military environment encourages individuals to overlook distinctions which in any other context are of utmost moral importance. It follows that the more easily a military organisation allows orders to be questioned, the greater the responsibility of the common soldier to question them before carrying them out. When the choice an individual is forced to make is difficult because training discourages autonomous decisions, or because the definition of a war crime is vague, then I would argue that the obligation of the state not to place a citizen in such a position becomes that much stronger.

To complete our examination of Articles 7 and 8 of the Nuremberg Charter dealing with war crimes, we must return to the problematic concept of 'military necessity'. We have already explored its ambiguity when applied to situations of 'supreme emergency' and in the context of war crimes, we are still faced with the difficulty that 'necessity' is a matter of infinite circumstantial variation.

For example, Telford Taylor (1986) argues that the prohibition against the killing of enemy soldiers who have surrendered can be overridden in situations required by 'military necessity'. Through the operation of this principle he states:

"...no military or other court has been called upon...to declare such killing a war crime." (in Wakin p.375)

Similarly, according to Taylor, the aerial bombardment of population centres (eg. London, Coventry, Berlin, Dresden, Hiroshima and Nagasaki) were not war crimes and therefore not punished at Nuremberg for two important reasons. First, since aerial bombardment was engaged in by the Allies, certainly more intensively than either the Germans or Japanese, it would be improper to punish the latter for what the former also did. Second, the bombing of cities is generally permissible because bombing is an important instrument of war. Yet it is difficult to accept the moral permissibility of aerial bombardment on the grounds that it was engaged in by all belligerents. Should bombing cease to be a war crime because it becomes uniform practice? With regards to aerial bombing being an important instrument of war, we could suggest that methods and instruments of war should conform to the rules of morality and not the reverse.

To endorse the view of Wasserstrom (1974), applying the principle of military necessity to justify aerial warfare is to 'surround the practice with an aura of justification that is in no way deserved'. (in Held p.55) A doctrine which legitimises almost any practice which has significant military value, thus allowing all moral claims to be overridden, is not an appeal to military *necessity* but to military *utility*. But should we be so concerned with the vagueness of the concept? After all, similarly vague concepts such as 'due process' and 'fair price' are in common usage, so shouldn't we have confidence in the capability of military leaders (just as we leave courts and economists to their own interpretations) to take guidance from the rules employing the

concept of military necessity? Possibly, but it is the killing of survivors, the torture of prisoners and the rape of captured cities that have been justified through application of the concept, and I find morally disturbing a principle which permits a general exception to almost all the laws of war on grounds of military necessity.

It should be clear at this point, that the laws of war discussed in this chapter are, to say the least, very fuzzy around the edges. We have seen that their enforcement is spasmodic, and changeable in that the extent to which they are observed may rapidly be altered by the circumstances and techniques of warfare. But if the laws of war are so erratically enforced, and subject to change through the nature of war itself, we may ask ourselves whether they are worth having at all? Might it not be better to discard both *jus ad bellum* and *jus in bello* and acknowledge that in war, anything goes? For example, some people would disagree with the claim that the present laws of war are better than no laws. They might argue that having laws forbidding some acts has the result of making the rest of war seem more legitimate than it is, and so the laws of war hinder progress towards its total abolition. If it can be shown that laws of war do make war itself seem more acceptable as a policy, this may be a very powerful case for rejecting just war theory and the rules of war.

Telford Taylor believes (despite finding certain inadequacies) that the laws of war and the principle of military necessity serve moral and practical purposes and that they have to be preserved and enforced. Wasserstrom, on the other hand, argues that the laws of war 'have no special claim upon our attention or energies' being unsound when regarded as an embodiment of moral law, particularly with regards to their failure to prohibit all violations of non-combatant immunity.

Taylor cites two reasons for preserving and enforcing the laws of war. First, they prevent moral corruption by imposing constraints on what is morally permissible in war (i.e. they work in part like civil prohibitions on murder etc.) and second; they work in the sense that they save lives. For Taylor then, acts of killing are carried out for state rather than personal reasons, thus refusing licence for gratuitous violence, and more civilians and prisoners would be killed without the laws of war.

What should we make of the claim that preservation of the laws of war prevents soldiers from becoming totally corrupt? In my view, our discussions of military training, which teaches the large majority of recruits how to kill (and when, given that it is, generally, on command in pre-set circumstances) and military necessity (which permits the violation of almost all prohibitions), cast serious doubt on the idea that the present laws prevent the complete dehumanisation of war. But what about Taylor's second argument in favour of the laws of war? It is true to say that they work in the sense that they save lives, if only those not 'necessitated' by military requirements, and it is better to save some lives than none at all. But to make such a statement is to overlook the fact that by endorsing the laws of war we are, nevertheless, legitimising morally indefensible behaviour. That is, we are legitimising behaviour which permits us to kill and maim almost anybody *provided only* that our actions can be reasonably related to some perceived military objective (albeit a means to a higher, possibly social objective). To quote Wasserstrom again:

"There is something genuinely odious about a code of behaviour that says: if there is a conflict between the attainment of an important military objective and one or more of the prohibitions of the laws of war, it is the prohibitions that quite properly are to give way...And there is something dangerous about a point of view that accepts such a system and directs us to concentrate our energies and respect upon its enforcement." (p.407)

For him, the current laws of war do not make the moral distinctions often claimed for them, and they do not have the beneficial effects frequently attributed to them.

It would not be difficult to draw the conclusion that the laws of war and criteria which constitute just war theory are so vague, imprecise and morally incoherent, that we should reject them out of hand. But I believe that some caution is necessary.

To recap, we have seen that a war is justified if it meets the criteria of *jus ad bellum*. Traditionally, these have included just cause, legitimate authority and right intention, with various other requirements often added, such that the war be a last resort, have a likelihood of success and that there be proportionality in the resultant good and evil.

But we have also seen that a war cannot be just, however just the cause and right the intention, if it utilises indefensible means. Thus, *jus in bello* criteria are concerned with what is morally justified in the conduct of war, for example, who and what are legitimate military targets and observing restraints on the means of war, such as prohibiting the use of specific weapons.

However, in my view, the fundamental problem with just war theory and the rules of war is the principle of military necessity which, in the last analysis, argues that if one is justified in going to war, one is justified in doing whatever is necessary to win. That is, the standards for judging *jus in bello* are already contained in the standards for judging *jus ad bellum*. I reject this viewpoint and suggest that there are standards, independent of *jus ad bellum*, for judging *jus in bello* - that is, there are limits (morally defined) to what one may do in conducting a war, whatever the justice of resorting to it in the first place. For example, I find it difficult to accept that the use of nuclear weapons, which have given humanity the capacity to destroy itself, can be employed in the pursuit of victory, on the grounds of military necessity, no matter how just the cause. If we were to suggest that the only legitimate object of war is a better peace, employing means that make subsequent reconciliation impossible, is a gross inversion of logic. To justify going to war then, requires showing that what one would be doing by waging it is justified - that is, to establish *jus ad bellum* requires establishing beforehand that those means are permissible. It is not enough simply to start with the assumption that war is justified and needs only to be waged humanely (subject, of course, to the dictates of military requirements) - to establish *jus ad bellum* one must justify, according to rigid moral principles, the actions necessary to waging war. Weighing the difficulties of predicting the means employed, whether resorting to war will achieve anything positive and what the long-term consequences will be, against the certainty of immense suffering and great loss of life, we may well ask, in the absence of these principles, whether war is ever justified in the first place. If we accept however, that moral considerations should govern the conduct of war (which precludes the provision of military necessity) then we have a strong case for enforcing these laws.

As a concluding note and as a way of addressing the issues raised at the beginning of this chapter, it is useful to view the phenomenon of war in both the context of the social *and* of the individual. In communitarian terms, we see war as a conflict between nation-states, different social institutions and movements, and if the only recognisable and organisable form of resistance to evil social practices or criminal states is military resistance, then war may seem inescapable. Yet this is not the end of the story. For whatever may be the causes of war, such causes operate through individuals, and if they are the decisive factor in causing wars, then they are the decisive factor in preventing them. If then, individuals are ultimately responsible for knowing and controlling such causes, then prevention will require locating them in our human situation in the world. But this is not to argue that war derives inevitably from human nature, for specific motives and ideas are not inborn and inevitable - must be traced back to a particular system of social relations and are thus the consequence of the power and decisions of ruling groups as they determine (or neglect) the ruling structures and processes of society. What forms of resistance are socially available is itself something that can be changed, over time, by social action.

Whether we will prevent wars remains to be seen, and to aim for a permanent peace should be our ultimate objective. However, this also requires ridding ourselves of the misconception that 'war as evil' and 'peace as good' are moral absolutes. Resort to war may involve some purpose other than killing, maiming and destroying certain values, and this may be something of greater moral significance, such as the establishment of a just peace. I say '*just*' peace because it must be acknowledged that not every kind of peace is good. A peaceful community may be so ridden with injustice, oppression, inequality and deprivation of freedom, that the situation may well be considered worse than war. And where such a situation can only be rectified by means of war, then it is crucial that it is conducted according to rigid moral principles which forbid the use of unjustifiable means on grounds of military necessity. In sum, I would argue that the only legitimate aim of war is the establishment of a just peace. Furthermore, in pursuing this objective, the laws of war should not, as Taylor asserts, be 'subject to the changing nature of war itself', but should stand firm against the requirements of

modern war and weaponry, and demand that 'war itself' conforms to the rigours of morality.

CHAPTER THREE

CONSTRUCTING THE GOOD SOCIETY

THE QUESTION OF HUMAN NEED

In Chapter One, I argued that liberty (in a form integrating the negative and positive) and equality, is the foundation of democracy. I also argued that in any discussion of equality and freedom we first need to address the problem of socioeconomic inequality before attempting to resolve the problem of formal political inequality. This, in turn, requires defining a set of human needs which must be satisfied for liberty and equality to be maximised. However, it is necessary to first examine the concept of need.

THE CONCEPT OF NEED.

It is appropriate to start by drawing a distinction between needs and wants. Some have argued that there is no real distinction, a point that has been utilised by neo-liberals and classical economists to argue in favour of an extension of markets in welfare. However, leaving the critique of this argument until later, it is plausible to say that we can distinguish them as follows. For example, we could argue that wants are derived from individual preference and cultural environment, thus, unlike needs wants vary from person to person and are therefore subjective. Some theorists have suggested that the difference between needs and wants should be sought in defining wanting as a psychological state, but needing as a kind of objective fact about a person. (Miller 1989. p.109). Moreover, as Wittgenstein points out in 'Philosophical Investigations (1953), we must reject accounts of psychological states based entirely on the occurrence of an 'inner feeling' - to cite a want (intelligibly) one must make reference to an end, a reference which usually entails social standards and norms.

Thus, if we accept that all need-statements are triadic in form (X needs Y for Z) a claim by X that Y is needed is only intelligible when the purpose for which it is needed

is specified. To say that Y is needed is to refer to an instrument - needs are means to ends. (Doyal & Gough 1991 p.4) In short then, both the intelligibility of a need and the justification for its satisfaction will depend upon the purpose for which it is required (and, of course, if its assertion is to be given the moral approval of that purpose - for example, we would generally approve of a person's need for an axe to chop firewood but not for the purpose of killing one's neighbour). Thus, saying *"I need 2,200 calories a day because I feel like 2,200 calories a day"* is as unpersuasive as saying *"I need a glass of water because I just do"*. In both cases the use of 'need' is unclear. However, if I say *"I need at least 2,200 calories a day in order to maintain physical health"* or *"I need a glass of water because if I don't have it I may dehydrate"*, I am drawing on a shared understanding relating to the idea of harm. If a person is held to need something, he/she lacks something and will suffer harm through the lack of it. Getting what one needs will overcome this harm, this is not so in the case of a want or desire.

However, is it not possible to define a basic category of need which is intelligible as it stands and which does not depend for its justification upon some further specification of a particular purpose? For example, we could ask ourselves what people need simply to pursue any goal or purpose at all? By posing this question, it is then possible to define a class of basic needs. Albert Weale (1978) argues that assertions of need may be taken to refer to, *"..those goods and services which it is rational to want as the necessary conditions for any given level of welfare"*. (1978. p.68). Similarly, David Miller (1976) isolates a category of 'intrinsic needs' - those needs which must be met if people are to be able to carry out their plans of life whatever these plans might be. However, we still need to define these goods and services or 'intrinsic needs'.

TWO BASIC HUMAN NEEDS.

To live and act in a responsible manner requires first, the physical capacity to do so and second, a mind capable of rational thought. Thus, the most fundamental and basic human need must be human survival because, as Plant (1985) points out, we cannot

make sense of the idea of satisfying any other need without assuming the value of human life. (Chap 1) But is merely surviving a sufficient precondition for meeting other needs? For example, a severely brain-damaged person surviving on a life-support machine does not have the capacity to pursue goals and implement them. Therefore, it is some *level* of physical *well-being* that is necessary for human agency ('well-being here being taken to mean the capacity to pursue (socially approved) goals, and having the needs associated with it met), and which should be defined as a basic need, rather than just physical survival. But what *level* of physical well-being?

The World Health Organisation (WHO) defines health as 'Not merely the absence of disease and infirmity, but complete physical, mental and social well-being'. (WHO 1955) This definition emphasises the interdependence of physical and mental welfare, stressing that feeling well is not just a physical experience. However, for the purpose of our discussion of *physical* well-being as a basic need, we can at this stage use a 'negative' non-specific definition of health which is conceptually linked with the absence of biological disease (the 'biomedical' model). On this view, the physical health needs of persons have been met if they do not suffer in a sustained or serious way from one or more particular diseases. (Stacey 1988. p.169-172). Thus, if a person wishes to lead an active and successful life, it is in his or her objective interest to satisfy the basic need of maximising life expectancy and to avoid serious physical disease. Obviously, this is not a satisfactory definition of health as it stands - (the concept of 'health' will be discussed more fully in the later section on 'intermediate needs') - however, its purpose at this stage of our analysis is to enable us to think of physical health in a transcultural way. In other words, physical health is a universal basic need, it applies to everyone, everywhere.

If physical health is a necessary condition of understanding a commitment to other values and needs, so too is autonomy. I have already discussed the value of individual autonomy for political participation in Chapter One - nevertheless it is worth repeating that an individual's conception of the 'good' depends crucially upon his or her sense of what is achievable, and this can only be held by rational, responsible agents. Thus, autonomy is tantamount to 'agency'. But does this go far enough?

Doyal and Gough (1991) cite three key variables which, they argue, affect levels of individual autonomy. First, the level of understanding individuals have about themselves, their culture and what is expected of them as individuals within it. This is a universal variable as all children must acquire language skills and learn to interact socially in minimally acceptable ways irrespective of specific cultural rules (for example, slapping people in the face every time I felt like it would not be considered acceptable in any known society). The second variable is the individual's psychological capacity to formulate options for him or herself (i.e. a prospective definition of mental health) which involves 'practical rationality and responsibility' for action. Finally, Doyal and Gough make reference to the objective opportunities enabling an individual to act accordingly (the opportunity to express both freedom of agency and political freedom). This last variable is important and relates directly to the value of autonomy both for political participation discussed earlier and to act collectively. Where the opportunity exists to question and participate in agreeing or changing the rules of a society, it will be possible for individuals to significantly increase their autonomy through choices unavailable to those denied political freedom, for example, those living under totalitarian regimes.

The need for physical well-being and critical autonomy thus provide the logically basic human needs which have to be recognised in our good society. These two basic needs have to be satisfied whatever else is needed or wanted, and therefore constitute a basic class of needs which all individuals have in common. Those needs, I will argue point to a necessity to establish an obligation to provide welfare - an obligation in the strictest sense, because, to return to Plant's point, it is impossible to make sense of the possibility that those whose needs are not met in this sphere will be able to pursue any obligations or any ends. On this view then, welfare to this degree is an entitlement or just requirement and its provision a strict duty - however, this view requires further exploration before we can argue that it is the proper basis for regarding welfare as a right.

WELFARE RIGHTS AS HUMAN RIGHTS.

In the context of welfare, it is pertinent to ask why we should speak of rights at all? One reason would be that to claim a right is to make a claim of special force. Rights are 'asserted' and their satisfaction demanded, consequently, rights to welfare would be free from the stigma so often attached to existing welfare provision. Also, rights to welfare involve provision by way of taxation, which in turn involves an element of compulsion. For some theorists, this requires justification. For example, Nozick (1974) argues that there is no genuine right to welfare and the specific resources which such a right would entail. For him, resource distribution via taxation is 'forced labour' and thus a curtailment of negative liberty. However, assertion of rights justify such compulsion.

The neo-liberal critique of the 'rights-based' approach to welfare rests upon the crucial distinction between negative and positive rights and the issue of scarcity. Welfare rights are viewed as rights 'to' something (positive rights) - thus, rights to medical care for example, are rights to a resource which is subject to change and are therefore open-ended. Civil and political rights, (negative rights) on the other hand, are not rights 'to' something (because they entail abstinence and forbearance) and are, therefore, absolute because the issue of scarcity does not arise. However, as Plant (1980) points out, rights of forbearance also involve the allocation of scarce resources - the implementation and protection of negative rights through, for example, the effective operation of the criminal justice system requires positive state provision. Moreover, Plant draws attention to the fact that negative rights are as open-ended as positive rights. For example, were it not for the computer, would we need a Data Protection Act; if it were not for the development of sophisticated explosive material, would we require elaborate security systems at our airports? Thus, the neo-liberal distinction between negative and positive rights, based on issues of open-endedness and scarcity which characterise the latter, does not hold up to critical scrutiny.

However, there are other grounds on the basis of which the distinction between negative and positive rights has been developed. Cranston (1973), for example, has

argued that rights must be universal if they are truly human rights, that is, they must not be culturally relative. He sets three 'tests for the authenticity of a human right' including the test of universality, and attempts to show that while negative rights pass these tests, welfare rights or socioeconomic rights do not. For him, welfare rights are culturally and group specific and are therefore not genuine rights. In the test of universality Cranston uses the example of the economic rights to holiday pay, applicable only to those in paid employment thus showing that it is not a genuine right. However, in his critique of Cranston's approach, Watson (1977) argues that the same could also be said of civil rights - for example, a right to a fair trial applies only to those who have been accused of a crime. Moreover, Watson goes on to state:

"By the same form of argument the traditional rights to leave any country, including one's own, to freedom of religion and freedom of peaceful assembly, are excluded from the class of human rights, since each is 'necessarily limited' to those persons who are leaving a country, religious and peacefully assembling, respectively." (p.39).

Watson bases his claim of welfare rights as human rights by justifying their possession 'simply in virtue of being human', (which, in my more specific definition is being capable of autonomy and a certain kind of well-being). Moreover, by pointing to the potentiality for finding oneself in specific categories or circumstances, including the potential for being accused of a crime or finding oneself in an unfavourable socioeconomic position, negative rights and welfare rights can equally be seen as universal human rights. Watson then, shares a view of human rights similar to that set out in the 1948 United Nations Declaration of Human Rights which states:

"Everyone has a right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood beyond his control." (p.33)

The usefulness of this theory of rights is its importance for showing that there must be some feature or set of features which have to be universal in order to be human rights. Such features are to be found in the basic needs for physical health and autonomy, necessary for the pursuit of any purpose. Rights based on such needs would in general be negative (constitutional) and positive (welfare) rights (although it could be argued

that this distinction is not clear-cut eg. a positive (constitutional) right to vote; a negative (welfare) right such as parents' freedom from state interference in the rearing of children), and would also need to address the matter of democratic control and consumer participation in the administration of welfare and social policy in general.

In recent years, successive Conservative governments have placed a great deal of emphasis on consumerism and consumer choice as the basis of a common identity in society (reflected in the 1990 pamphlet 'Encouraging Citizenship'), yet the same cannot be said for the encouragement of active consumer participation. The kind of equality of status implied in the idea of citizenship carries with it the right to take part in the planning of services which vitally affect people's lives and the right of enquiry into and criticism of existing provision and administrative arrangements. However, a question here concerns the weight to be given to the opinions and preferences of consumers, as opposed to those of officials and professionals in the planning and execution of policy. Obviously, the professional depends on skill, experience and specialised knowledge which the ordinary consumer does not have, but such a situation can be remedied to some degree by better publicity, creating channels for the expression of public opinion and setting up procedures for considering criticisms. Plant suggests citizen empowerment taking the form of a 'more explicit contractual relationship' between the providers of services and their clients, for example, performance indicators and limited-term contracts to ensure performance levels are maintained. (Plant 1990.). The more powers of organisation that pass to public bodies, the greater their responsibility to the people they are set up to serve in order to safeguard the democratic rights of citizens.- 'people as citizens have rights to a given standard of services which is not a benevolent gesture nor an act of charity but society's obligation to supply'. (ibid)

I have attempted to show that health and critical autonomy are basic needs common to all human beings irrespective of culture. This implies that the satisfaction of basic need in our good society applies to all societies everywhere. Plant and Lesser (1980) make this point clear by stating that :

"...those who have developed moral outlooks, however different, that command certain ends or requires certain duties to be performed are logically committed to a conception of basic needs...therefore any moral

view to be coherent must recognise the maintenance of human life and the development of autonomy as basic obligations." (p.3)

Thus, if we have obligations at all, we have obligations towards anyone we are able to help, since if human life is of value at all, we cannot give rational grounds for saying that (in a non-instrumental sense) some lives are of value and some are not. It follows then, that moral imperatives know no national boundaries (a point I will develop further in the following chapter) - provided that those who proclaim their belief in the good society really do mean it. The measure of moral commitment is thus our willingness to take seriously its categorical character - its applicability to everyone and not just to those who already share this commitment. If our good society is *the* good society then we must believe that *all* individuals should strive to act accordingly and also accept that they have the *right* to try to do so. It also follows that they should have the right of access to those conditions and resources which make such actions a real emotional, physical and intellectual possibility. Thus, to the degree that individuals take any vision of the good society seriously, they have a duty to respect the right of all other human beings to do their best to adopt the same vision. This has implications for both the immigration and international aid policies of a society, as we shall see.

The idea of universal human rights entails this right, even of strangers, to have the needs of physical health and autonomy satisfied. However, attempts at formulating a theory of universal human rights based on need have been heavily criticised by some writers, particularly those of a postmodernist persuasion. Postmodernists would argue that any attempt by those in one culture to impose their conception of basic needs onto any other amounts to nothing more than cultural imperialism - the pursuit of specific group interests. For them, human needs are socially *relative* not universal, stipulating only what some groups of individuals prefer over others. However, in order to examine the plausibility of the postmodernist critique, we need to explore this approach in a little more detail (given its popularity within academic circles in recent years) and an appropriate place to begin is with the work of Foucault.

UNIVERSALITY AS DOMINATION.

For Foucault, the search for 'truth' represents authoritarianism and dogma, and he advocated its replacement by a 'genealogy', that is, the 'reactivation' of *local* knowledges which represent tolerance and resistance. This 'genealogy' will, Foucault states;

"entertain the claims to attention to local, discontinuous, disqualified, illegitimate knowledges against the claims of a unitary body of theory which would filter, hierarchize, and order them in the name of some true knowledge." (Fine B. 'Democracy and the Rule of Law'. 1986. Pluto. p.199).

The 'unitary body of theory' Foucault is thinking of here is Marxism, which he rejected for its supposedly 'scientific elitism'. Foucault also placed a great deal of emphasis on what he saw as the arbitrary nature of 'interpretation'; for him, the search for what people 'really' mean leads to an endless number of interpretations, none of which has any inherent superiority. It therefore becomes a matter of *power* which interpretation is correct. For Foucault then, it is the *discourse* of the interpreter which becomes elevated to a position of superiority, subordinating the discourse of others. This relates directly to the view that only particular social groupings can ultimately define the extent and substance of their needs.

For example, following Foucault, Laclau and Mouffle argue that it is 'discourse' which constitute realities for different groups - as language is used in different ways and interpreted in different ways, the result is different realities which all have equal legitimacy. It follows therefore, that there can be no arbitrating 'truth' or 'universality' between these different interpretations. Thus, the postmodernist would reject my account of the good society which implies, by definition, a more desirable form of life than any other. Similarly, another postmodernist attack would come from Keane (1988) who argues that:

"...the concept of democratisation would abandon the futile search...for definite truths of human existence. It would teach us to live without an assumed 'historical agent of emancipation' as it would discard, once and for all, the indefensible ideological concepts - Order, History, Progress,

Humanity, Nature, Individual, Socialism". (p.238). So where does this leave my good society?

To follow Keane which, on his view, entails rejecting the idea of 'Humanity', my good society would founder on the rocks of relativism. This is because the relativism which characterises much postmodernist thought, denies the possibility of universal basic needs as well as the possibility that some approaches for need-satisfaction may be better than others. The Marxist writer Alex Callinicos (1990) makes this point well by noting that postmodernism renders itself incapable of doing anything other than defending one or another cultural status quo. For example, where is the sense or value in claiming that cataract sufferers in the Third World *need not* take advantage of the knowledge and application of Western medical technology which would restore their sight? This is not to suggest that Western medicine does not have its weaknesses and failings but to point out that it is capable of making a valuable contribution towards satisfying one basic need (physical health) which would inevitably increase the possibility of satisfying the other (critical autonomy). To cite another example against the postmodernist critique, what would be the point of suggesting that women *need not* pursue a more self-emancipatory form of education than that which is favoured by traditional and fundamentalist Muslims? In what sense could they *not need* to increase their individual autonomy through increasing their choices for purposive action? Only in the sense that they do *not need* what they do not *want*, and that brings us back to the anorexic needing food she does not want. Such confusion may (and does) court disaster.

Is it a form of cultural imperialism to attempt to satisfy the basic needs of ourselves and others, particularly when the most practical methods for their satisfaction, whatever the cultural source, are within our grasp? If we follow Marx, who stated that humans possess the power to alter history and believed that the condition of humanity can be improved by the application of the best available knowledge, then it is our *obligation* to continue trying to bring about alteration aimed at satisfying basic human need at the highest sustainable levels. In sum then, the fundamental weakness of postmodernism is its relativism which, whether by accident or design, ends up

supporting those who wish to defend the status quo and prevent any moves towards universal human liberation.

SOCIAL JUSTICE

To cite physical health and autonomy as basic human needs, and, therefore, as fundamental ways in which needs are fixed and classified, does enable us to form some idea of the structure and institutions of social life which would have to be present to satisfy these needs. In this section, therefore, the search must be for the societal preconditions which enable both maximum participation in the good society and allow those who believe their existing form of life to be wrong, to pursue their own vision of the good. It is this kind of consideration which really marks the transition from a discussion about basic or human need to an exploration of social need and its implications for structures, frameworks and opportunities. As we have seen, it is possible to give a relatively unproblematic definition of basic needs, the two most fundamental being physical health and autonomy, but, ahistorically speaking, it does not follow from citing these needs what *level* of medical care would be required for the former, or what type of legal framework or education system would be needed for the latter. It is no use appealing to a prospective abundance, for one can always envisage a set of goals too extravagant in the face of given resources, however richly endowed with these a society may be. What we must seek therefore, is a form of distribution through which resources may be allocated in the most fair and efficient manner. That is, we must advocate some form of distributive justice.

DISTRIBUTIVE JUSTICE.

It is first necessary to draw briefly a distinction between retributive and distributive justice. In short, retributive justice is the sort of justice that is invoked in the criminal law. But not all matters of justice are matters of crime and punishment. In particular, the distribution of burdens and benefits can be just or unjust, though no question of

punishment arises. This is distributive or social justice. However, a question of social justice arises not simply where there is suffering and hardship, but where there is suffering and hardship *alongside* wealth and affluence. Indeed, some theorists, neo-liberals for instance, have used the former conception of justice to prevent the latter - for example, poverty as a punishment for indolence and wealth as reward for industry - an issue I will address later. Nevertheless, for others it is the comparison of the two, or more correctly, the unfair distribution of burdens and benefits that give rise to a sense of social injustice. Thus, the claim underlying social (distributive) justice is that all the major institutions of a society should be subjected to the test of conformity with principles of justice. What then, are these principles of justice against which institutions are to be assessed? Taking into account the conclusions of Chapter One, we could reasonably argue that a basic principle is one of equality between individuals. The implication of this is that all inequalities in rights and access to resources have to be justified in terms which should be accepted by everyone, including those, who in the allocation of scarce resources, stand to finish up with less than others in the way of rights and access. Two theories of social justice which attempt to justify such inequalities are those of Robert Nozick and John Rawls.

NOZICK'S THEORY OF JUSTICE.

It has been argued that our own ideas of distributive justice are powerfully affected by our perception of the prevailing relationships between individuals who are to be affected by that distribution (Miller 1976). Therefore, to simplify matters at this stage, let us imagine a 'society' made up of individuals who have no social relations with one another, each living an entirely independent and self-contained life. What would justice mean to the inhabitants of such a society? Nozick attempts to answer this question by constructing a historical theory of social justice which draws upon the work of John Locke.

As we saw in Chapter One, Locke imagined a society or 'original position' in which there is no state or legal system and asked himself what rights people would have in

such a condition. One of these fundamental rights for Locke would be the right to private property. In short, what would make an item mine is if I expended labour upon it in appropriating it. Consequently, any attempt to take that item from me would be a violation of that right, or injustice.

Nozick makes use of Locke's theory to argue that if everyone has come by their possessions (or 'holdings' as he calls them) *justly*, then the distribution of holdings in that society will be just. If this is the case, then this is the correct state of affairs from the point of view of distributive justice. For Nozick then, justice means non-interference with the rights (property rights) that each has acquired by his or her own 'legitimate' efforts (legitimate in the sense of non-interference with others). Thus, any conception of social justice which establishes a pattern of ownership and calls it just without inquiring how it came about is, in Nozick's view, mistaken, precisely because such a conception would be ahistorical. In sum then, following Nozick, social justice will be a matter of rectifying past injustices rather than bringing about some egalitarian pattern of redistribution on non-historical grounds. A tall order indeed, so it may be that we would have to settle for doing what can be done. For example, in cases where the legacy of imperialism continues to affect societies and groups in disadvantageous ways (unfair discrimination etc.) affirmative action strategies would help compensate for and eventually eliminate the inequalities they continue to suffer.

Apart from acknowledging the immense difficulties involved in actually attempting to correct the past mistakes of any society, it is also worth looking more closely at the plausibility of individual property rights. I would argue that there is no obvious connection between the individual's part in creating a commodity (hence wealth) and his or her share in its benefits. For example, who is entitled to the greater share of the benefits which result from the sales of a popular model of mountain bike? Should the person who thought up the idea receive a larger share, or should it be the assembly worker, or the shop assistant who sold it? Is it plausible to argue that the individual with the initial idea deserves a greater share? Following the line of the 'first occupancy' argument, what we are asking here is 'who had it first'? After all, if the idea had not been formulated, this particular model of mountain bike would not exist. However, although the person with the initial idea may have had the *intention* of

producing the commodity, the *actual carrying out of that purpose* involved the contributions of others. Thus, one's *actual* contribution limits the share of the benefits one is entitled to through the production of the commodity. First occupancy, in this example, does not create a property right of full ownership or a greater than equal share, only the *liberty to occupy* no more than one's share. We must, therefore, in justice, acknowledge the contribution made by society in general to the success of the imaginative individual, ideas after all are not conceived in a vacuum. In the case of the designer of the mountain bike, one must consider the contributions of prevailing fashions in styles of bicycle which may have influenced its design, as well as the contributions of those who laboured to supply raw materials for its construction. Clearly then, labour is *social*. It is thus plausible to argue that a great many people (possibly on a global scale) have had a hand in the entrepreneur's wealth so that thoughts of redistribution from the entrepreneur seem reasonable. Such redistribution would be just because it would amount to giving the rewards of industry to those entitled to a share. Add to this the fact that there is little practical prospect of breaking this down into individual contributions and it appears that what is needed is a **GENERAL** system of redistribution which will ensure that everyone gets a reasonably fair share of the rewards that living in a society brings.

RAWLS AND THE DIFFERENCE PRINCIPLE.

One method for devising a system of rules and principles of justice is to posit a hypothetical negotiating situation marked by equality and freedom. Principles of justice are those principles that would emerge from a process taking this form. In Chapter One, I briefly touched upon Rawls' two principles of justice in my discussion of negative and positive liberty. Let us examine these principles in more detail.

Rawls imagines that a group of individuals are asked to agree upon a set of social principles 'behind a veil of ignorance'. In other words, they are required to agree upon a form of society they are willing to inhabit, without knowing anything about their own personal circumstances, that is, being unaware of whether they are intelligent or stupid,

industrious or lazy and so on. This 'veil of ignorance' is intended to ensure that the principles of the contracting parties are impartial.

As discussed earlier, Rawls' first principle requires a society to allow the greatest possible liberty for the individual, compatible with a similar degree of liberty for all. This principle is obviously designed to capture and express the rights and liberties necessary to ensure a democratic polity. However, it is Rawls' second principle of justice which directly concerns us here. This principle, known as the 'difference principle' is divided into two subsidiary ones, the first concerning social inequality and the second equal opportunity. The difference principle is intended to capture the belief in the fundamental *equality* between citizens, that is, the equal claim of all to a share in the wealth which a society produces. But for Rawls, this does not mean that each citizen has a claim to an equal share. For him, some people are capable of producing more than others (consequences of genetic lottery, luck etc.) and it is right for them to be richer than others *if* the less fortunate are caused to be better off as a result. Thus, the 'difference principle' endorses all and only those socioeconomic inequalities that either make the worst off better off or do not make them worse off. (The social minimum envisaged by Rawls would take into account wages plus transfers plus benefits from public goods, the level of which would be adjusted in accordance with a 'just savings principle'). However, there is a second component to this principle - that of equal opportunity. Rawls argues that when inequalities are defended on economic grounds (eg. incentive argument) there must be equal opportunity for everyone to compete for the most desirable positions regardless of social status. Thus, 'equality of opportunity' would entail a system of procedural justice aimed at eliminating constraints on opportunity (eg. unfair discriminatory practices). It also follows that every individual will have access to sufficient 'primary goods' to ensure that those 'similarly endowed and motivated' will be able to make roughly equivalent choices to pursue their projects and plans. At first glance, Rawls' theory appears a plausible and fair one. But does it go far enough?

The particular propositions which are assumed in the doctrine before us, and which lie behind the difference principle, are to the effect that some inequality will indeed be

required in any society if all its members, including some who have a lesser amount of social and economic goods, are to be as well off as they can be. This is a variation, in one sense, of Hayek's 'trickledown effect' - they both share the 'productivist' premise that 'a rising tide lifts all boats'. (Barry 1993. p.11) This proposal might reasonably be called cautious or even defeatist. Although in its concern for the worst-off it derives from a commitment to equality, it is so expressed as to bring into prominence the need for incentive inequalities. All this depends on a dogma which states that favourable inequalities are incentives for a higher production of goods. It may thus encourage those who in fact favour socioeconomic inequality that is against the interests of the worst-off.

Cohen (1991) argues that the 'difference principle' can be used to justify economic incentives that induce inequalities only when the attitude of the talented or rich runs counter to the spirit of the 'difference principle' itself: they would not need special incentives if they were themselves committed to the principle. Let us examine this argument more closely.

Proponents of the incentive argument say that when productive people take home modest pay, they produce less than they would otherwise do, and as a result, relatively poor and badly off people are worse off than they are when the exercise of talent is well-rewarded. But if the rich do not work as hard without economic incentives, is this because they are *unable* or *unwilling*? It is unlikely, I would argue, that such luxuries as Caribbean holidays, second homes and expensive cars are necessary to enable them to perform at a high level. So it follows that they are not *unable* to work hard as they would be if they lacked *necessary* goods. So is it the *prospect* of getting luxury goods which fuels the motivational drive deemed necessary for effort? But if this is so, we are not speaking of a *truth* that reward is too low, but of a *perception* that it is, which in turn leads to disappointed expectation. But this only tells us how the rich will feel, socialised as they have been in a radically unequal society. All we are citing then is mere habituation to unequal rewards - habits can and do change and to cite them as *justification* of unequal rewards is wholly inappropriate. It follows then, that the rich are in fact *unwilling* to perform at a high level without economic incentives. This

renders Rawls belief that a just society honours the dignity of the worst-off untenable, for the worst-off are only as well-off as they can be **given** the self-seekingness of the rich. The stance of the rich then, is irrational and unjust by the very standard which the difference principle itself sets. Thus as Cohen states:

"...the difference principle ...which does mandate the incentive policy, is not a basic principle of justice but a principle for handling people's injustice. It is not a basic principle of justice, since it confers benefit on market maximisers who offend against justice." (p.326.)

We need also to deal with the second part of Rawls' 'difference principle' which relates to equality of opportunity. Should all members of society have an equal opportunity to gain any allowable positions of favourable inequality in socioeconomic goods? Put another way, should all members of society, whatever their natural strengths and weaknesses, have **only** an equal opportunity to benefit from society's resources? The question needs to be answered by way of reflection that certain kinds of favourable inequality of opportunity (of the type discussed earlier may be needed by some individuals if they are to avoid distresses which other individuals can easily avoid without having such opportunities.

Thus, we can criticise Rawls for presupposing the existence of a class society in which inequalities are inevitable, and which proclaim the virtues of competition and incentives for the talented. We can also criticise him for ignoring the human cost of competition and incentives and his failure to deal adequately with the consequences of unequal power relationships, for example, the concentrations of corporate and managerial power which have more to do with the institutions of capitalist economies than with the laws of distribution. Such is the scope of this power in a market economy, that it is futile to expect capitalist vested interests to permit any real encroachments on its wealth and privilege. In the case of power, we could not appeal to the 'difference principle' to increase the power of the least powerful, for possessing power is always at the expense of others, because it is power over those others. As we saw earlier, in the good society power is a fundamental equality, and it would be a contradiction to suppose that by distributing power unequally we could increase the power of the least powerful.

THE GOOD SOCIETY: COLLECTIVE OWNERSHIP OF THE MEANS OF PRODUCTION.

From a moral viewpoint, one of the goals of our good society is to eradicate the opportunities that are unequal as a *consequence* of unequal access to or ownership of the means of production. It endorses therefore, the Marxist view which advocates the abolition of private property (the means of production) rather than some form of 'people's capitalism'; a system in which private productive property is retained and each person begins his or her economic life with a per capita share of society's capital stock and resources. Taking into account people's ownership of their skills and preferences, the emergence of large socio-economic inequalities within a generation would be inevitable. So what feasible allocation will respect the rights of shared ownership of the means of production and the private ownership of skills and talents?

We could start by following other theorists of social justice and construct our own original position, which denies that the external world of the means of production should ever have been considered unowned. We could conceive of it as having been jointly or publicly owned by its initial inhabitants. (Cohen. 1986. p.77-96.) Viewing the means of production as jointly owned by its inhabitants - or all inhabitants present or future - is arguably as good or better than the supposition that the means of production were unowned. However, joint ownership is to be distinguished from the common ownership which, as we have seen in Nozick's theory, holds *before* appropriations take place. In common ownership, each may use the land as long as he or she does not interfere with others. With joint or public ownership, the means of production are owned collectively by all: no one may use them until all agree to the nature and distribution of the product. In this original position, which is morally appropriate for our good society, individuals own themselves and their skills but are trustees in public ownership with regard to the means of production.

The idea of trusteeship implies certain restrictions which have to be observed for the good society to be operational. For example, we have seen in Chapter One that horizontal obligation entails duties towards others, also that our system of social justice

establishes a prior moral duty to contribute to the welfare of others. It follows then that an individual cannot work on his/her *own behalf* until that duty is fulfilled. Moreover, appropriation of scarce and finite resources and the accumulation of wealth which gives owners the power to influence political, economic and social institutions is prohibited. This is because such acquisitions constitute a loss to others both of the means of well-being and of competitive advantage which ultimately restrict their material liberty.

However, the question of how the talented are to be rewarded in our good society has yet to be answered. 'Talented' here is to be interpreted in a broad way. It may be the capacity to work harder or study longer than the next person, or to be more charming or goodlooking and therefore acquire a more desirable job. Why shouldn't such people receive monetary reward? But we can turn this question around and ask 'why should they'? Why should the people with the advantage of talent (whether such talents are acquired by inheritance or by environment and which are themselves socially determined) gain competitive advantages over others? Have they earned the means which permit their acquisition?

We have also to remind ourselves that what people are able to do depends on the reasons they have for doing it. It is far from easy to establish that those who carry forward certain occupations, and hence make larger contributions to the well-being of society, would not do so without the monetary rewards they receive. For example, many have enjoyed the talents of Bob Dylan as a songwriter, yet it may be that a worldwide appreciation of his skills rather than millionaire status is an adequate compensation for his contribution to popular culture. We could cite other examples such as the athlete who needs to compete in order to achieve his or her fastest time, people who work best under pressure or through challenge, or those whose purpose is *just* to produce useful or beautiful objects, or to discover the truth about things. Thus, many jobs and careers bring great satisfaction and are not done for financial fortune.

Moreover, ideals - the sort of character traits which define moral excellence in the person and the sort of institutions and types of ownership a society establishes - are

important considerations. For example, in a capitalist society which fosters selfishness and preaches the gospel of the cash nexus, it is hardly surprising that monetary reward is placed on a high moral pedestal. But this tells us little about the nature of individuals only of the system itself, as Tressell's description of the selfish employer Rushton makes clear in 'The Ragged Trousered Philanthropists':

"No one had any right to condemn him for this (his selfishness), because all who live under the present system (capitalism) practice selfishness more or less. We must be selfish: the System demands it: The more selfish we are the better off we shall be. In the Battle of Life only the selfish and cunning are able to survive: all others are beaten down and trampled under foot. No one can justly be blamed for acting selfishly - it is a matter of self-preservation - we must either injure or be injured. It is the system that deserves to be blamed. What those who wish to perpetuate the system deserve is another matter." (1991. p.122)

Thus, the source of ideals - the question of which ideals are morally justifiable - is an important issue in the construction of our good society. In such a society the values of cooperation and creativity stand superior to selfishness and economic gain. The above examples remind us that the desire to achieve, to shine, can elicit enormous effort even in the absence of monetary incentives - all involve a drive to perform well, whether as an end in itself or as a way of impressing others. Thus the recognition, admiration, and gratitude of one's peers may be more fitting and certainly more in keeping with the ideals of our good society than either money or property. It follows then, that if virtue is its own reward in a good society, then money that will accrue to the possessor of talent under a market system, will be an unwelcome and unnecessary compensation.

To summarise. We can identify the central ideal of the good society as equality of effective choice: people should have the rights, opportunities and resources that enable them to choose effectively how they are to live their lives. One societal precondition then, is collective ownership of the means of production - the more the citizens of the good society are associated in common institutions, the more likely they are to view themselves in fellowship and accept distributive measures. So how can my good society claim to be freedom-maximising? The answer is that freedom depends on the distribution of resources which needs a system of distributive justice based on equality. Thus, our view of social justice is one of egalitarianism and the people subject to it

must choose to be egalitarians. This stands in total opposition to the so-called justice of the market system - a system which involves production for profit rather than use and thus fails to provide goods and services that people really need; a system that stifles creativity and alienates workers from the fruits of their labour; a system that promotes privately purchased commodities rather than the enjoyment of goods and services in common. In sum, a system that fosters selfishness, competitiveness, and the values of the 'me now' philosophy rather than relations of cooperation and fraternity. How, in justice, could we argue that such a system is appropriate for our good society, which stands in opposition to a market morality both in terms of distribution of resources and the nature and content of human relationships?

It is worth reminding ourselves, however, that our system of social justice in the good society will not be sustained unless people see themselves as tied together communally. It is here that politics enter the picture. People must engage in politics as citizens, that is, as members of a collective committed to advancing the common good. The purpose of Chapter Three so far then, has been to show that our system of social justice and its corresponding institutions, depend crucially upon the willing assent of *at least* the majority of the population, and that the rules of such a system should, for the most part, be complied with *voluntarily*. In sum then, one way of thinking of our good society is to turn to the opening pages of Aristotle's 'Politics', in which he views the body politic and its members as a perfect image of the relation between the individual human being and the community to which he (and, for us, she) belongs. For Aristotle, you could not be a human being outside society, only a beast or a god. Thus, to have citizens, you need a city, a polis, a good society - a place with common goals and a sense of its collective good.

SOCIAL POLICY AND NEED-SATISFACTION.

We have seen that the principal goal of a system of social justice in our good society is the replacement of privilege and inequalities in the distribution of life-chances with

social and economic equality. Thus, the good life for our citizen is based on equality according to need, democratic freedom and citizenship.

It follows then that production and distribution based on the satisfaction of the two basic human needs we have so far identified, should be measured by the resources required by individuals to enable them to participate firstly, in customary roles and relationships, and second, to pursue the good life comprising equality, mutual respect and fellowship. However, such a strategy does not imply a blank uniformity, that people are, or ever should be, the same, but that their socioeconomic status and power based on need-satisfaction, should be. Consequently, such a strategy also requires **planning** - having identified our basic needs, we now need to specify the strategies, or *social policies* necessary to achieve their satisfaction. What would 'social policy' mean in our good society? First, it would signify the interdependence of the social, political and economic spheres. Second, it would provide the basis for planned social development and, governed by our system of social justice, would realise the goal of *social welfare*. Thus, social policy in the good society would be similar to Ferge's definition in that it would be: *"...neither economic nor non-economic; its target is to reintegrate the economic and social sphere"*, it is *"more normative than corrective"*. (Ferge 1979 p.55-59).

In the good society, therefore, social policy and the organisation of production and distribution would start with social need and social priorities based on need. The social organisation of work and the nature of production would thus be determined by these priorities, so that the decision of whether to produce a good would not rest simply on potential demand, but also on the priority (determined collectively) that is allocated to that good and the production of it.

In the following section, we turn to examine the role of social policy in satisfying the human needs identified so far - or to be more precise, to explore the goals of social policy for the provision of need-satisfiers or 'intermediate needs', required to ensure that the basic needs of physical health and critical autonomy are met. The method adopted will be a comparative one - through attempting to expose the weaknesses of social policy as it is *presently* formulated and implemented, I hope, simultaneously, to

highlight the strengths of policies aimed at need-satisfaction and their compatibility with the system of social justice we have chosen to favour.

NEED-SATISFIERS FOR MAINTAINING PHYSICAL HEALTH.

It has already been argued that good health is one of the most important factors contributing to individual welfare. It is an essential prerequisite for enjoyment of almost every other aspect of life. Economic security or a good education yield little satisfaction to the chronically sick and, at the extreme terminal illness will make all other sources of satisfaction irrelevant. Hence, the maintenance of physical health must be seen as a universal basic human need. However, many factors contribute to individuals' states of health, and in this section I will concentrate on diet, the availability and quality of health care and housing.

AN ADEQUATE DIET.

In order to maintain bodily functions a minimum intake of energy is required. According to the Food and Agriculture Organisation, the energy needs of a 'moderately active' person are 3,000 calories a day for a man and 2,200 for a woman. This calorific minimum is necessary for preventing ill-health and for maintaining 'the activity associated with eating, washing, dressing etc., as well as minimum movement and other activity needed for communication'. (FAO. 1989. p.19.) If someone consistently falls below this level, then undernutrition will lower resistance to illness and disease, produce weakness and debility and an increasing incapacity to do anything about it. We can argue then, that an adequate diet is essential for satisfying the basic need of physical health and thus constitutes an 'intermediate need'. In view of its importance, we would thus expect its satisfaction to be the first priority of governments who express concern for their citizens welfare. However, a brief examination of existing arrangements in the world today reveals that this is far from the case.

For example, in Britain large numbers of people suffer from under or malnutrition. The British Dietetic Association has considered the dietary problems of special groups

at risk of malnutrition - children, pregnant women, ethnic minorities, the disabled and elderly - and concluded that existing benefits for some members of these groups were insufficient for their dietary needs. (Haines & de Looy 1986.) Another study, basing the 'healthy diet' on the advice of the National Advisory Committee on Nutrition Education, calculated that the recommended diet could cost up to 35% more than the typical diet of a low-income family. (Cole-Hamilton & Lang. 1986. Without further exploration we can conclude then, that lack of money is a major factor restricting food choice as well as limiting the quantity of food consumed

However, to fully appreciate the magnitude of the problem of malnutrition, we need to adopt a global perspective. A World Bank Report by Reutlinger and Pellakaan (1986) estimated that 34% of the populations of 87 'developing' countries (730 million people) had diets which did not provide enough calories for an active working life; and 16% (340 millions) did not have enough calories to prevent stunted growth and serious health risks. So why so much malnutrition in the Third World? Can it be attributed to 'natural causes' such as droughts and floods which result in famine?

No one would deny the fact that droughts and floods can cause substantial reduction and disruption in food supplies. However, if the causes of famines are 'natural disasters', the effects of famines would be indiscriminate, yet evidence shows that the rich and powerful never starve, even during famines. A.K. Sen's analysis of four major famines led him to formulate a 'legal entitlement to food' thesis, which suggests that people suffer from famine because they cannot establish their entitlement to food in legally enforceable ways. A person's legal entitlement to food *"...depends on what he (sic) owns, what exchange possibilities are offered to him, what is given to him free, and what is taken away from him."* (1981. p.154-5) In other words, people's legal entitlement depends on their economic power which, in turn, involves political considerations - in short, it is the poor who are victims of famine.

While Sen's approach is useful, it is not without its weaknesses. By concentrating exclusively on the power of individuals he tends, therefore, not to take adequately into account the national and international political economy, that is, the influence of class structure, the state, international agencies and transnational corporations for an

explanation of famines. Such structural factors are important for explaining why, even in times of famine, it is frequently the case that the very same countries experiencing such disaster are exporting food in order either to pay off international debts or satisfy the demand for certain products in rich countries. Moreover, malnutrition and death through starvation is happening at a time when food stocks in rich countries are so plentiful that they are being destroyed or piled up at great cost to individual governments. It is objectively an unnecessary waste of human life because the world produces more than enough to feed everyone. Despite a fall in global cereal stocks in the late 1980's, there is currently enough food in the world to provide the average 2,600 calories per day to keep us fit and healthy.

Access to basic foodstuffs should not depend on income to buy it or land to grow it on. In the good society, a healthy diet constitutes an intermediate need, the satisfaction of which is crucial for *any* purposive action, and the provision of which is not based on one's ability to pay, but as a fundamental right of every citizen. However, this right must be viewed as a *universal* right for *all* human beings, thus citizens of the good society must make positive efforts to ensure that others in less fortunate societies enjoy the same benefits. Such efforts should not be confined to exporting technical expertise; for example, any benefits of the 'Green Revolution' have largely been creamed off by the rich and powerful to bolster their own positions, rather than leading to a fairer distribution of extra food. Although technology has a part to play, fancy seeds and sophisticated machinery cannot alone transform power structures. As individuals it is possible to challenge the might of transnational corporations and international agencies such as the IMF and World Bank who ensure that the best the Third World can produce is exported to the West. Concerns about the cost and quality of food displayed on our supermarket shelves need to broaden into concerns about where food comes from, where it is produced and by whom - expressed in our active support for 'fair trading' initiatives, for example. In other words, we need to become *critical consumers*. Critical consumers can make life difficult even for the very biggest transnationals - transnational corporations (TNC's) are increasingly having to satisfy environmental criteria, so why should they not meet standards based on justice and humanity as well - and be penalised by the consumer for their failures?

HEALTH CARE.

We have seen how malnutrition goes hand in hand with ill-health by lowering resistance to sickness and disease. Illness is incapacitating, it prevents us from pursuing our lives fully as autonomous agents and creates unfair inequality between the healthy and the sick. It is plausible to argue then, that the provision of a health system should be concerned not just with curing illnesses and promoting health, but also in promoting individual freedom. However, as long as economic inequality persists in a society, so will inequalities in health and freedom. To illustrate this, one needs only to look at the continuing picture of inequality in health in Britain, which acts as a barometer of socioeconomic inequality in general.

In 1986 the research of Margaret Whitehead revealed how an individual's socioeconomic position affects his or her ability to maintain a satisfactory health care programme. ('Health Inequalities in the 1980s') For example, those in non-manual social groups have less physically demanding jobs and more leisure and income than manual workers, and therefore are favourably positioned in society to take healthy exercise. Furthermore, as we have seen, income has a direct relationship with the type of food one is able to buy and time is a factor in meal preparation. The research also showed class differences in mortality and morbidity at every stage of life in Britain; on average death rates are twice as high for adults and children in Social Class V as for those in Social Class 1. According to Whitehead, differences in lifestyles between social groups account for some, but not all of the observed health gap. Thus, despite a national health service, in general, health inequalities are created by unequal access to resources which can be traced back to unequal distribution of wealth and income. But is this not a rather sweeping generalisation?

Let us consider health and what it is. What counts as health and ill-health is not simply defined in biomedical terms, but also by what matters and does not matter to people and how it matters. For example, a person suffering from heart disease would not

consider someone with severe acne to be in ill-health, regardless of how distressed the acne sufferer may be by his or her condition. Moreover, despite the risks associated with drinking alcohol and smoking cigarettes, many choose the pleasure of drinking and smoking over considerations of health. Thus, evaluation is built into the notion of health, and if health is only one value amongst others, should we respect the autonomy of individuals to prefer other goods over health? More importantly, should such judgements enter practical decision-making about long-term provision for health? In other words, faced with a choice between health insurance and a new car, should the right to make that choice lie with the individual? If it does, then surely there can be no justification for a health service which provides uniform health care, funded out of compulsory health insurance?

Here we need to address the question of whether choice in this instance is better than no choice at all. Individuals often make foolish and imprudent choices which have long-term consequences both for themselves and their families, and for their obligations to the rest of us.. Now, in the true spirit of individualism, we can argue that the freedom to choose brings with it the obligation to accept the consequences of one's choices as the price of freedom. However, a great many people are not capable of putting aside money voluntarily towards comprehensive health care, for both personal and economic reasons. Moreover, there is nothing in the individualist argument that says that individuals *themselves* may not prefer the promotion of individual welfare over individual liberty. Thus, we may freely call into existence a system which considerably constrains our freedom of choice in particular cases, situations in which enlightened self-interest is, or likely to be, in conflict with our own immediate desires and interests. Where individuals elect to establish a system whereby a central authority acts on our behalf in our own long-term interest, surely the true champion of freedom must accept their right to do so?

So what would such a system look like in the good society? The services of a comprehensive system would be made freely available to all, regardless of ability to pay, as one way of promoting the freedom and equality of individuals as well as ensuring the healthy functioning of the society as a whole. Health care policy would

be concerned primarily to prevent avoidable disease, to cure and care for those suffering from unavoidable disease and ensure equal access to routine health for non-threatening complaints. Moreover, policies would be aimed at 'deprofessionalising' the medical service to some extent, giving patients more say in their own health care. Health care in the good society would permeate every area of working and domestic life - issues of medical care would be redefined into issues of health which in turn would become issues aimed at providing an adequate diet for all, safe working conditions and transforming economic and social life in general.

Extending our analysis to the Third World, evidence shows that basic medical resources are still lacking in the vast majority of these countries. Those which do exist are largely monopolised by the affluent urban minority, who may also utilise private health care in wealthier countries when sophisticated medical treatment is needed

Once again, it is important to recognise the economic, political and environmental causes of ill-health. For example, conditions in many cities make the control of infectious diseases very difficult. Studies carried out by the World Health Organisation estimate that 17 out of 25 main water-related diseases rife in Third World countries could be cut by half or eradicated altogether simply by the provision of ready supplies of safe water. Only about one quarter of the urban populations of these countries have water-borne sewage facilities, some 30% have no sanitation at all. These conditions provide breeding grounds for diseases such as cholera.

It is clear then, that a global priority should be to address the politics and practice of prevention as well as to identify and treat illness at an early stage. Yet for many poor people, the presence of health services means little if they are not accessible, owing to cost, environmental conditions or geography. The efforts of international bodies to improve rates of vaccination and immunisation have met with some success but as UNICEF recognises; *"...protection against all illnesses and dangers of growing up in poverty will only happen when poverty itself is overcome"*. (1987. p.43)

HOUSING.

I have so far identified two 'intermediate needs' (i.e. adequate diet and equal access to free health care) which have to be met in order to satisfy the basic human need of physical health. However, one further need-satisfier requires discussion, that is, the universal need for shelter and the provision of a decent standard of accommodation for everyone. Undoubtedly, denial of access to a dwelling that is able to withstand climatic conditions and provide adequate sanitation and warmth is inimical to physical health - these housing characteristics apply everywhere and, as such, must be taken into account regardless of whether we are adopting a national or global perspective. Yet having cited these preconditions (albeit briefly), the question I wish to address here is whether, in the good society which views autonomy and freedom as principles to be valued, personal ownership of one's dwelling is to be the main objective of housing policy.

Under 18 years of Conservative rule, owner-occupation came to dominate the housing scene in Britain. It was (and continues to be) argued that this form of tenure is to be highly valued for it expresses the result of personal commitment and endeavour, that it is just not the *possession* of the status of owner-occupier, but also the *means* by which that status is acquired (thrift and hard work) - 'giving away' social housing undermines that status. Moreover, the 'drab uniformity' of social housing denies opportunities for individual personalisation of property - that is, it undermines personal freedom of expression. However, those who favour owner-occupation have also stressed its equalisation function. The Conservative government, supporting its 'Right to Buy' policy in the 1980s, argued that, as well as the benefits stated above, as more people purchase their homes, the more wealth they accumulate, the value and incidence of inheritance also rises and wealth is spread more evenly throughout society. Furthermore, not only does inheritance carry with it a sense of continuity and stability but it also creates, through enhanced wealth, the potential for the exercise of greater choice by the beneficiaries. A number of writers have identified the way in which the increase in owner-occupation has led to a reduction in the degree of concentration of wealth in Britain. Thus, Atkinson argues that an increase in home-ownership brings

about a 'democratisation of wealth', that is, a spread of wealth amongst many more households. As a consequence, housing inheritance is an important and widespread phenomenon that will bring benefits to a large number of people. But is this process as simple and as clear-cut as it seems?

Drawing upon empirical evidence it would appear that the above argument is seriously flawed. For example, a 1988 NOP survey found sharp class differences in housing inheritance. Statistics revealed that 17% of Class A and B households (professional and managerial) had inherited compared with 5% of D's (semi-skilled) and 4% of E's (economically inactive). Class A and B households were therefore 4 times as likely to contain a beneficiary as Class D and E headed households. (Hamnett 1991. p.99-107). Moreover, the sale of a working class parental home will fetch a lower price than in a more prosperous middle class area and the proceeds will be divided amongst more people (working class families tend to be larger). For example, whereas the only child of middle class parents in a prosperous London suburb may inherit a house worth £200,000 the children of working class parents living in a terraced house in the North of England may only inherit £40,000 between them. If the inheritance is shared between 4 children, they would only get £10,000 each. Therefore, single beneficiaries of high-priced housing will do exceedingly better from housing inheritance than multiple beneficiaries of cheap housing. Thus, far from leading to a 'democratisation of wealth', one is inclined to agree with Forrest and Murie (1990) who argue that:

"A privileged minority will not only continue to hold their wealth in forms which convey real social and economic power (eg. stocks and shares) but they are likely to pass on disproportionately large amounts of accumulated housing wealth." (in Morris & Winn. p.54.)

In sum then widespread home ownership in Britain is far from being the great equaliser that has been claimed by many writers and politicians. In fact, a person's capacity to own is tied to one's class, tenure, region and most importantly, their income. Bearing these factors in mind, it is clear that wealth accumulation and inheritance are crucial elements in the social and spatial inequalities associated with the privatisation of housing.

So what form would housing policy take in the good society? First, it must be accepted that owner-occupation offers unfair appreciation to the owner as well as providing an unjustified source of income for professionals employed in the business of buying and selling houses, who, under the present system, profit out of someone else's housing need. Moreover, if we recall our discussion of property rights, we must take into account the restriction prohibiting individual ownership of finite resources, in this case, land. Thus, housing policy in the good society calls for collective ownership of land and collective responsibility for the housing finance and building industries, in order to provide housing according to need rather than income. The rights of citizenship demand that the process of designing, planning and building will no longer be the exclusive domain of professional 'experts' - instead it will involve *all* citizens, working together for each other and themselves, sharing skills and individual creativity. In this context, home ownership has a very different meaning from the individualist conception we are familiar with - it will mean that homes and towns will actually belong to the citizenry as a collective entity, who are their own owners, planners and builders. Thus, in the good society, the *sense* of home ownership will be universal for it will mean having *security of tenure* enshrined as a right - a security all the more real for having as its condition the equal security of all others.

At this point, the inference should be clear - in each analysis of the intermediate needs discussed so far, time and time again we come up against economic insecurity as a major obstacle to their satisfaction. Thus, even if we support collective provision of basic foodstuffs, health care and housing - free to the user, we still need to address the problems of economic insecurity and poverty. But how should poverty be defined? A distinction is usually made between subsistence or absolute poverty and relative poverty. The former definition refers to a lack of basic requirements to sustain a physically healthy existence. It is a view favoured by neo-liberals who then argue that once absolute poverty is dealt with, what matters is not what the gap is between the rich and the poor, but whether the poor are better or worse off on their own terms as time passes. The latter definition, on the other hand, is participation based. For example, Townsend measures poverty in terms of the inability or incapacity to participate in; "*...the activities and have the living conditions and amenities which*

are customary, or at least widely encouraged or approved, because of a lack of resources." (1979. p.31) I would argue our discussion so far suggests that large numbers of people can be said to be in poverty as defined by *either* of these two definitions. However, although I acknowledge the many unfavourable forces affecting one's economic security, I wish to concentrate here on the distribution of income.

THE CASE FOR A CITIZEN'S INCOME.

In the advanced Western economies, the distribution of incomes has for the past two decades been growing more unequal. In Britain, for example, between 1979 and 1989 the share of total income after tax of the richest 20% increased from 36% to 42%. Figures show that during the 1980's average annual disposable income of this richest group per person increased by as much as £5,304 or 40%. Moreover, the after-tax income of the richest 1% increased even more dramatically, by 75%. (Townsend 1993. p.12) However, during 1979-89 the share of total after-tax income of the poorest 20% in Britain fell from 9% to 8% even when incomes were rearranged to take account of family size and composition. Moreover, there was no gain at all in their disposable income, and in fact there was a fall in the income of the poorest 10% (ibid. p.15)

However, this polarisation of incomes is not the product of national policies alone, it is also the product of long-term and deep-seated developments in the international economy. For example, the policies of international agencies like the World Bank and the IMF cannot be regarded as redistributive. Moreover, the EU was instigated to serve free market principles and its primary concern is to regulate the international market. More importantly, however, exploitation by global corporations (TNCs) have outgrown the capacities of national governments to deal with them. Recent technological developments and the power of TNCs to influence state policies, have combined to make overseas subsidiaries far easier to control. Thus, both manufacturing and service sectors are being drawn into a more complex international web - a process which is replacing predominantly male, full-time industrial work, with predominantly female, white-collar work, much of it temporary or part-time.

Moreover, the past 20 years have seen persistent high unemployment - such economic growth as occurs tends to rise from increased productivity, leaving the industrial reserve army untouched. In essence then, incomes derived from paid employment are becoming increasingly unreliable and inadequate as a method of supporting the population. So what is the alternative?

Suppose we start from the idea that there should be a basic entitlement for *all* citizens which is unconditional, and that this entitlement should cover basic needs as thought proper by our good society. This idea has to be extended as entitlement of all citizens. Since all citizens would receive state benefits, all would be on an equal basis (without means tests which exacerbate social divisions and stigmatise service-users). All would have an incentive to work and all would be under an equal obligation to do so. A decent and secure life would be provided for all citizens and all would be encouraged to work to contribute to the common good. Of course, there will be citizens who need more than the basic sum to achieve the same level of well-being - for example, those with disabilities and families with children. Thus, as I have stated elsewhere, our good society has to recognise that to guarantee the same capability of being able to function as a full citizen, some may need more than others.

However, the idea of a citizens income presupposes the necessity of 'sustainability' - that is, for this form of distribution to be successful we must aim at no or limited growth rather than a high-growth society where expectations are high. In our good society, egalitarianism requires that expectations be limited by the needs of equality. There is apparently little disagreement that the rates of growth we have come to expect cannot continue indefinitely. So the only question is how far they would have to be reduced to become sustainable.

Nevertheless, it is clear that a society with fixed resources rather than an indefinitely expandable 'cake' must place limits on reasonable expectations. These limits will be determined by the resources of society and the accepted system of just distribution. However, sustainability (and our system of social justice) requires that the interests of future generations are given as much weight as those of the current generation. We

know, for example, that future generations will need an inhabitable planet with an effective ozone layer, fertile land, and minimal air and water pollution. These requirements have implications for present energy patterns, particularly in the industrialised world. The 1987 Brundtland Report illustrates this by showing that 25% of the global population consume a staggering 75% of the world's primary energy. If energy consumption per head became uniform worldwide at current industrial country levels, then by 2025 a world population of 8.2 billion would require about 55 billion kW of energy per year - compared with 10 billion kW at present. (p.169-70). This unsustainable level of energy and resource use is even more unjustifiable when it is considered that much of this consumption is used to satisfy insatiable wants rather than basic needs.

In sum then, the idea of a citizen's income is significant not only for its direct economic implications, both for the present and future, but even more so for offering a non-productivist definition of citizenship. To make our good society a just and fair one, people have to hold a shared vision of the future and a determination to do that in a sustained way over the long term.

Overall the policy goals of our good society so far include free distribution of basic necessities such as food, health care and housing; that such services should be democratically controlled by its citizens, and an adequate income for all without means tests. Such measures, in my view, go a long way towards satisfying the universal need of maintaining physical health. However, I turn now to a discussion of our second basic human need, that of autonomy.

NEED-SATISFIERS FOR PROMOTING INDIVIDUAL AUTONOMY.

We have concluded that the kind of society we favour will give priority to the satisfaction of the basic needs of physical health and autonomy. Having dealt with the former, we now examine what steps need to be taken in order to promote the ideal of individual freedom; once again, through adopting a critical approach to existing

aspects of social policy. However, our discussion of autonomy has so far been from the point of view of what social structures will allow *mature* citizens to direct their own lives. But what of those members who are not mature - for example, should we promote the autonomy of children? How important is autonomy in childhood for the development of an autonomous adult personality? Thus, the issues I wish to raise here, connected with the satisfaction of the basic need of autonomy are security in childhood and education.

CHILDHOOD SECURITY: PARENTS OR GUARDIANS?

It is almost a universal presumption that a secure childhood is crucial for the development of personal autonomy. The need for love and security in our early years (and probably throughout our lives) is applicable across cultures and is met, primarily, by the child experiencing from birth onwards a secure, ongoing relationship with parents or guardians. Furthermore, in the course of receiving this security, childrens' lives may be legitimately directed by others in a way that would be quite objectionable if applied to rational-thinking adults. Throughout the world, a great deal of paternalism is exercised over the lives of children and minors through forms of social control which limit their freedom as far as is necessary to protect them from themselves. How does such paternalistic protection promote autonomy?

The generally accepted view is that childrens' inexperience of the world renders them incapable of making rational choices and, because of this, parents, legislators, social policy makers and teachers, must take decisions on their behalf. Examples would include the imposition of compulsory schooling, and the exclusion of children from the areas of contract law and the franchise. In short, the argument states that if children clearly lack autonomy, such restrictions, far from violating their autonomy, actually promote it. It is not difficult to accept that no child is capable of promoting the full range of his or her interests. Matters which will affect their lives in the most important ways have to be decided for them - during the early years, say from birth to the age of 10, these decisions are largely made by parents. But why should they do the deciding?

It is a common belief that it is natural parents who should be responsible for and act on behalf of their child. Why? The answer is that parents are more likely to feel love, pride and concern for their own children than other peoples, and the presence of these emotions, which stem from a 'natural bond', obviously makes for better parenting. Thus, natural parents are likely to be better custodians of the interests and welfare of their own children than, for example, state-appointed guardians. In a sense then, children are seen as the property of their parents, an idea that still underlies much social policy in Britain. For example, the New Right rhetoric of choice in educational reform viewed parents as the consumers of education. Moreover, the reinforcement of parental authority over children can be found in the area of criminal law. Legislation has increased responsibility of parents for their childrens criminal activities, which although limited to responsibility to pay their fines, is couched nevertheless in the rhetoric of parental authority and responsibility. Additionally, under the 1989 Social Security Act, the period of childhood was extended by three years. Where previously parents were responsible for under 16's, now that responsibility has been extended to under 19's, who are excluded from eligibility for social security benefits including Income Support and housing benefit. Such examples show how control by parents over their own (genetic) children is reinforced by society's norms and values.

But is the mere fact of biology a guarantee of good parenting? It would be a sweeping generalisation to answer in the affirmative (I challenged some of the assumptions surrounding natural parenting in my discussion of Socrates and absolute patriotism in Chapter 2 - i.e. obligations to one's parents). To repeat, there are good and bad parents. So by making the common assumption that biology is a sufficient reason for allowing natural parents so much control over their children, are we not putting some children at risk, albeit a possible minority? To illustrate this, let us consider the concern generated about the emergency cover provided during the railway signalworkers strike a couple of years ago. Throughout, there were numerous attempts to reassure the public over the *competence* of those operating signal boxes on days of industrial action. Did they possess the relevant experience and qualifications to shoulder such responsibility? Thus, we appear to require, indeed demand, proof of competence and skill to ensure

the safety of commuters, so why are we so complacent about the safety of children? The idea of my operating a signal-box with no experience or proof of competence is absurd and a considerable risk to the well-being of others, but my decision to conceive and have a child (of which I also have no experience nor proof of competence) would not be questioned.

The American philosopher Hugh LaFollette (1979) argues for the necessity of 'licensing' parents. Thus, the presumption that everyone should be permitted to take charge of their children unless they show themselves unfit to do so, would be replaced by the presumption that *no one* will be allowed to be a parent unless they pass a test of competence. If we accept a licensing system for occupations which involve responsibility for the lives of others (bus drivers, railworkers, airline pilots etc.) should we not, in consistency, also accept the necessity of licensing parents on the grounds that children are also at risk, if only in a minority of cases, from their parents? However, although I would accept that, in principle, licensing parents is an acceptable idea, it is fraught with difficulties at the level of implementation. We are already familiar with the vetting of possible adoptive and foster parents and the conditions laid down for their acceptance (in some cases, refusal on the grounds of age, sexuality, even obesity and smoking habits). But it is not difficult to imagine the possible eugenicist implications of controlling who may or may not have children. Such power is obviously open to abuse on racial, religious and political grounds, as well as being subject to the influence of stereotypical ideas about specific groups and classes.

Nevertheless, the purpose of the above discussion is to challenge first, the common presumption that biological parents are naturally more capable of offering childhood security than other forms of guardianship and second, the widespread but rather vague notion that 'a child needs its parents'. No one would argue that children thrive without love and care, without security and stimulation or that they should be asked to do so. But the idea of parental property rights over their children belongs to a society which believes that children separated from their natural parents are separated from love, care and play. When these consequences are disentangled, there is justification for the

belief that children can develop wider attachments which promote their autonomy, and in which their care can be safely shared.

In a good society, natural parenting will not *necessarily* be the prescribed form of childrearing against which all else is measured, and in comparison to which all else is found wanting. Nor is the nuclear family to be considered the most secure and suitable institution for children to be born into. If we care to redefine 'the family' we could alternatively see it as an emotionally supportive network of adults and children, some of whom live together, some who do not, but who nevertheless share resources and care for those who need it. From the perspective of our good society, it is possible to view these relationships as promoting the autonomy of children through fostering cognitive, emotional and social development based on praise, recognition and positive feedback within a framework of clear rules perceived to be just. This view may still be unacceptable to some although I have not yet gone as far as to suggest removing children altogether from their parents and placing them under the guardianship of a central authority. Such a suggestion would undoubtedly meet with widespread opposition, yet for most of the year and for the greater part of the day, this is precisely what most parents do in the name of education. It is to this area of policy, and the extent to which it promotes individual autonomy, that I now turn.

EDUCATION.

The compulsion to attend school has been with us for over 120 years, so it is not surprising that such a restriction of liberty rarely strikes us. Throughout their school life, up to the age of 16, a large number of children go to school primarily because non-attendance is accompanied by severe sanctions. Moreover, the fact that such compulsion applies to children makes us less concerned about its justification. Yet, compulsory attendance at some one institution, day in, day out, for 11 years, is something which most people would object to. For example, Christians frequently expound the moral benefits of worshipping God, but would be highly indignant if daily church attendance were to be made compulsory. So what is so special about school?

I have emphasised elsewhere the importance of education for increasing autonomy - it enables us to make rational choices about our futures and increases our life chances in general. However, we may recall the argument which states that children are not likely to appreciate this because of their inability to make rational choices. Left to their own devices, children will prefer pleasure to schoolwork, and only as adults will they realise their mistake. Thus, the argument goes, compulsory schooling is not an infringement of individual liberty because it is not overriding the will of an autonomous individual but actually enforcing it.

But this view is based on the false assumption that education and schooling are one and the same. The language we speak, to riding a bicycle, buying and selling, looking after animals and operating electrical equipment are all forms of learning that take place before or out of school. So formal schooling must be required for special skills - most obviously literacy and numeracy, without which it has to be accepted life in modern societies would be extremely difficult. But why should these skills be taught *in school* and why are children forced to attend long after these basic skills have been acquired? Nevertheless, it could be that the justification for compulsory schooling is to be found in the needs of society rather than the individual. If we want a prosperous society we will want a well-educated citizenry, thus people must be compelled to send their children to school. But would this justify the compulsion to study the whole modern school curriculum? To answer this, we need to take a closer look at present educational practices and whether they are consistent with the promotion of individual autonomy.

In Britain, the 1988 Education Reform Act has encouraged the pursuit of educational excellence through an academic curriculum and the setting of particular standards of achievement; parental choice, greater centralised control and the notion of economic accountability. A National Curriculum consists of 3 'core' subjects (English, Maths, Science) and 7 foundation subjects (History, Geography, Technology, Music, Art, Physical Education and a foreign language). However, there is no mention of other areas of learning such as political awareness, economic understanding and little emphasis on vocational subjects. When so much importance is placed upon academia,

it is almost impossible to argue that the curriculum is fitting the pupil for life. At the very least, we can say that there are many pupils who will be better fitted for life by taking vocational subjects rather than, say, English Literature. Yet only 1 hour a week is devoted to 'Technology' compared with 5 hours a week of English Literature. Can anyone seriously argue that individuals of 14 and 15 years of age should be compelled to study Shakespeare's 'Macbeth' because they will themselves value it in the future?

Ivan Illich in 'Deschooling Society' views the school as a custodial organisation because attendance is obligatory and children are 'kept off the streets' until their entry into work. Moreover, he also stresses the 'hidden curriculum' of schools - the nature of the discipline and regimentation which has nothing to do with the formal content of lessons. This inculcates an uncritical acceptance of the existing social order which Illich calls 'passive consumption'. Thus the hidden curriculum teaches children that their role in life is 'to know their place and sit still in it'. Moreover, it must be said that most forms of education perform an important socialisation function although the precise form it will take will vary according to different parts of the educational system. Thus, while certain values such as the superiority of reason over emotion may be universal, the values of punctuality, reliability and discipline will vary depending upon institutional and teachers' expectations of their students future destination in the social structure. Given the fact that capitalist societies require large numbers of people to spend their lives doing work which is menial, unstimulating and intrinsically boring, it is not surprising that most childrens autonomy is not properly promoted. As A.S. Neill (1972) states:

"...kids who had been used to participate in a direct democracy (not a fake representative democracy) from the word go, would not grow up to suffer from apathy, alienation and blind submission to authority with inner-hatred and self-hatred as the other side of the coin." (in Adams p.159).

We have here a case where there is a structured necessity for a certain type of educational system, a system which at best serves the interests of only a minority of those who pass through it.

It is undoubtedly true that being made to sit still during lessons that one finds boring is good training for self-discipline. But in our good society we require an educational system geared to promote widespread autonomy amongst its pupils, and to provide a stimulating environment which encourages critical self-awareness and a desire to challenge received wisdoms. It follows that such a system which genuinely sought to promote autonomy would look quite different from present educational arrangements. For example, the content and length of compulsory education would require close scrutiny and the possibilities and value of other sorts of schooling considered. Moreover, education would have a structure which positively encouraged people to accept and reject views on the basis of having understood the reasons for them.

Thus, in order to satisfy the basic need of autonomy in our good society, education must first provide everyone who wants to learn with access to available resources. Equality of opportunity in education should be a basic right, and equality of access would ensure that no student who is willing and able to benefit from a particular course should be prevented because of irrelevant or discriminatory criteria such as income, race, gender or religion. Moreover, those who wish to learn should be able to do so at any time in their lives and have personal choice over what they study rather than submit to a standard curriculum. This is consistent with our idea of a sustainable good society, where paid employment will become less central to social life and people might instead engage in a wider variety of pursuits.

We can argue then, that access to appropriate education is a *universal* prerequisite for the promotion of personal autonomy and thus constitutes an intermediate need which must be met. It is universal in the sense that basic numeracy, literacy, general social skills, and vocational abilities are more or less the same for all cultures. Yet on a global level the reverse is happening - the absolute number of those who cannot read or write in the Third World is actually rising. (Coombs 1985. Chap.9). The educational efforts of Third World countries have been restricted in scope by lack of money, yet some countries have promoted self-help education by which communities draw upon their own resources. For example, those who can read and write, or possess job skills, are encouraged to take on 'apprentices' whom they coach in their spare time. This is in

keeping with the educational objectives of our good society (and the ideas of Illich) in that education should bear some relation to the real needs of the population.

In sum then, education should be concerned with achieving a good standard of education for *all* children, to empower them to confront the personal and social requirements of democratic citizenship in a way that allows them to go beyond the confines of their immediate experiences. This also requires a broader transcultural knowledge, for a good society must enable citizens to criticise and make choices between the current rules of one's own culture and the rules of another. Thus, education must include the transmission of knowledge of other societies and an understanding of the rules of comparative method. It is at this point in our discussion that autonomy becomes '*critical* autonomy', a notion which requires further explanation.

CRITICAL AUTONOMY.

One of the requirements of critical autonomy is a disposition to seek the truth, to ensure that one's beliefs are not false. This is not to say that a person will not have a greater interest in discovering the truth of some propositions than others, for their truth may be more or less significant to him or her. For example, an airline pilot should have weighty evidence that his/her plane is airworthy, whereas it is alright to rely on much less evidence before flying a kite on the common. Mill regarded a passion for truth as good in itself, arguing that it should be possible to hold and defend in public, without penalty, any opinions no matter how radical they may seem to the majority. (Mill J.S. 'On Liberty'. 1859. Chap.2) The possession of false (though not necessarily irrational) beliefs may impose a serious limitation on the kind of control of one's own life which critical autonomy requires. Yet, information which people must use in their deliberations is subject, under the present system, to widespread manipulation.

One dimension of government information concerns the right of the individual to know about and assess the accuracy of information being held. Two famous cases relating to

the issue of government secrecy were the prosecution of Sarah Tisdall in 1984 for sending The Guardian official documents on the timing of the arrival of cruise missiles in Britain; and that of Clive Ponting in 1985 for sending documents concerning the sinking of the Argentinean ship the General Belgrano to an MP. Another dimension concerns the extent to which government restricts or makes information available. This area too has profound implications for individuals to make their own choices. For example, the accident at Chernobyl generated immense public anxiety about government secrecy over environmental matters. Initial assurances that the British public were in no danger from radiation subsequently proved false as sales of contaminated lamb were banned. The Guinness affair and Government handling of the BSE crisis are other examples of information either being withheld or manipulated.

The mass media represent another institutionalised channel for the distribution of social knowledge and information. The media both utilises and consensual image of society and help to reproduce it - events are selected and interpreted within the terms of this pre-existing consensus although this may not necessarily be consciously done. As Hall et al observe:

"This consensual viewpoint has important political consequences...It carries the assumption that we all have roughly the same interests in society, and that we all roughly have an equal share of power in the society...The media are among the institutions whose practices are most widely and consistently predicated upon the assumption of a national consensus." (1978. p.55)

Thus, since legitimate political activity is seen to be conducted only through parliamentary democratic channels, the media tend to regard any activity going beyond this as not permissible, and its perpetrators as consequently less credible. Non-consensual opinions, therefore, receive more critical attention or no attention at all: where such dissenting views do appear, they are frequently peripheral or portrayed as embracing a world-view which is unreal or unnatural - in other words, as a misunderstanding of reality.

In sum, the ways in which government collates, uses and regulates information are of great significance for critical autonomy, by raising issues of individual responsibility

and choice. People can make rational decisions only if they possess adequate information - inaccurate or unproven (or withheld) information may threaten a person's autonomy, social relationships, livelihood, or even life itself. Critical autonomy requires not just that people rationally pursue their goals as best they can, but that they actually not be deluded and misguided about the nature of their goals and the consequences of their actions. Thus, in a good society which refrained from manipulating information, there is little danger that individuals will adopt lifestyles not because they truly represent their best options but because they have not properly considered alternatives. On the contrary, individuals will be able to make choices within a clear framework of democratically accepted rules and norms based on principles of justice, rather than be carried along by the opinions of economically powerful groups.

DEFENDING THE GOOD SOCIETY.

In this chapter I have attempted to set out the first steps that need to be taken towards achieving the good society. Those steps include the acknowledgement of a universal set of human rights aimed at satisfying basic human need, which every individual should possess in order to pursue and realise their vision of the good. Further, I argued that our moral obligations are also universal, that is, they transcend **all** national boundaries - thus, to value human life we must value **all** human life. But what of the lives of those we consider our enemies, those who threaten our good society? If we really value human life how can we defend our society - in other words, can there ever be such a thing as a just war where there is a deliberate taking of human life?

Consider two hypothetical situations. First, let us imagine that our good society (which is opposed to warfare, with the possible exception of the establishment of a just peace) were to be attacked by a totalitarian neighbour, either seeking to gain territory or to silence our calls for its inhabitants to pursue a similar vision of the good to our own. Would it be justifiable to return the attack? The answer would be yes - it would be justifiable to attack and *incapacitate* as many of its members as is *strictly* necessary

(i.e.: through observing the criteria set out by both 'jus ad bellum' and 'jus in bello'). But some may be killed - does this not violate the universal human rights to basic need-satisfaction? Possibly, but it must be remembered that the totalitarian attacker (by attacking first) is violating the rights of its victims (of both societies) to life and liberty. Moreover, not only does the attacker challenge the members of our good society, but also the good society itself, for it is only in virtue of the rights and obligations created by its members that there is a society at all. Thus, our good society has the right to challenge the aggression of the attacker and take whatever military action is necessary, and the members of the good society have an obligation to defend the collective entity of which they are part. To defend the good society is to defend the good life which it represents - to defend the good society is to defend themselves as citizens. However, military response must be appropriate to the circumstances of a particular case (violent resistance, as well as limited or demilitarisation of the attacker). As Walzer (1977) argues: "All resistance is law enforcement...when fighting breaks out, there must always be some state against which the law can and should be enforced. Someone must be responsible, for someone decided to break the peace of the society of states. No war can be just on both sides." (p.59)

In the second situation, we pose the question of whether the good society would be justified in attacking its totalitarian neighbour with the aim of replacing the regime with our own moral conception of the good? The answer in this case would be no because of what 'attacking' entails. To try to force agreement with a form of life through causing harm (threats to life and liberty) - rather than harming to defend the right to choose a form of life - will be counterproductive if the aim is to achieve moral consensus and respect for life and liberty rather than material gain. The good society is opposed to warfare conducted with the aim of *imposing* moral values - respecting the autonomy of others demands rational persuasion. But what if the inhabitant of our totalitarian neighbour ask for our assistance in bringing about the collapse of the regime? Depending on the extent to which it is believed that those who have asked for our assistance will commit themselves to the goals and strategies of universal basic need-satisfaction, not to intervene (through the provision of outside resources where at all possible, rather than armed intervention) in the face of such helplessness would be

morally wrong. Acknowledging that our vision of the good knows no national boundaries, non-intervention in this case would be as wrong as failing to assist someone who was being attacked in the street. Both cases demonstrate the right of those under attack to some defence, for both are experiencing a violation of their human rights.

CHAPTER FOUR

CITIZENSHIP AND PARTICIPATION IN TOTAL WAR

INTRODUCTION

The purpose of the preceding chapter was to identify some key components of principle and policy structure for delivery of our good society, as well as identifying the duties and obligations of citizens within it. I have argued that citizens may owe a political obligation to kill or die in defence of such a society, on the grounds that only within this context can they enjoy the good life and fulfil their moral obligation to promote the values and principles connected with such an existence to the less fortunate living in their own and other societies. Given the benefits citizens of the good society receive, and the nature of the polity of which they are part, the political obligation to risk one's life for the collective may exist (depending on the satisfaction of just war criteria, for example), although I have argued that the citizen owes no such obligation to the liberal democratic state.

Nevertheless, despite my conclusions many would continue to insist that such an obligation does exist - one only has to draw upon the empirical evidence highlighting the link between war and social reform to demonstrate the strengths of the benefactor argument. That is, the extension of social citizenship has reinforced the political obligation to die and kill for the state. Thus, I will be exploring two ideas: first, that social reforms create or justify the obligation to kill or die in war; second, that taking up that obligation generates more reforms which increase or reinforce that obligation for the future. I have challenged the assumptions of the benefactor theory in Chapters One and Two, let me do so again, this time in the context of war.

Some commentators, for example Titmuss, have argued that the aims and content of social policy, both in peace and in war, are influenced by the need for acceptance of obligations and rights, made necessary by war. That is, social policies are largely determined by how far citizen participation is essential to the successful prosecution of

war. If this participation is thought to be crucial, then a reduction in inequalities and a levelling of the hierarchical class structure must occur. The aim of this section is to explore this claim by drawing on the historical evidence believed to support the impact of two world wars on social change in Britain

However, from the outset, we must be aware of the difficulty of isolating a particular period of social and economic upheaval and attempting to apply it to the development of social citizenship. We shall see that the conditions of war cannot be treated in isolation from the historical development of a society and its socioeconomic and political structure. As Marwick points out in the opening chapter of 'War and Social Change' (1974):

"there would be no point in studying the effects of war on any society without first grasping firmly the essential features of that society, the processes of change already in motion within that society on the eve of war." (p.44)

Moreover, accepting that changes have accompanied or followed war, it does not automatically follow that they were caused by war. Nevertheless, we can plausibly say that we do have a prima facie case for an investigation, which will assist us in a critical evaluation of the propositions put forward by those who support the benefactor argument for political obligation, or identify a dialectical relationship between citizenship and war. Our investigation begins with the question of why so many changes occur within the context of war and why British social policies, particularly in the first half of the 20th century, were clustered rather than gradual.

National experiences of total war were, until the 1950s, represented in historiography as having a purely negative impact, in so far as they were at all relevant to historical development. However, after this period the work of social historians and sociologists was suggestive of the future approach to the question of war and social change. Richard Titmuss was among the first to make a connection between the two in 1950 in 'Problems of Social Policy', while Stanislas Andreski offered the 'military participation ratio' in 1954 which postulated a firm correlation between the extent of wartime

participation by society in the war effort and the amount of subsequent levelling of social inequalities.

However, in the forefront of the change in historical perspectives with regard to war studies was Arthur Marwick who modified Andreski's formula to suggest that 'wartime' rather than in the strict sense 'military' participation was the key. Marwick's study of British society in World War 1 'The Deluge' (1965) was followed by 'Britain in the Century of Total War' (1968), but it was his comparative study 'War and Social Change in the Twentieth Century' (1974) which showed a full awareness of the varied forms of civilian participation and their social effects in different national contexts. Within this framework Marwick formulated his 4-tier model of society which attempted to explain how the active participation of citizens in wartime struggle resulted in a major process of social reform. Total war implied disruption and destruction on an unprecedented scale: first, it tested existing sociopolitical structures of states and societies; second, through participation, in the context of the total mobilisation of a state's resources; third, the consequences for previously disadvantaged groups in the war effort; and finally, its social effects as a 'colossal psychological experience'. (p.xvi). The cumulative effect would be real and enduring social change.

Similarly, Richard Titmuss has argued in his history of social policy that the circumstances and experience of total war had a profound impact upon the British people and led them to accept and even demand social reform. Mann (1992) has gone further, seeing this clustering of social policy as a general tendency of 'the period of citizen wars' (1914-45). Such wars, he argues, while characterised by 'great attrition, destruction and draining of public resources' and hence 'irrational as a means to the stated ends' are nevertheless '*rational as a contribution to citizen well-being*' (p.87).

It should be clear at this point that the idea of war as a determinant of major social change has had a profound impact during the past few decades. How far this concept has been overstated will be dealt with later in the chapter - the purpose of this section is to test the hypotheses of the above academics who all identify a strong link between

total war, citizenship and social policy. First however, we need to trace the development of citizenship and social reform within the context of 'total' war.

NATIONALISM AND THE EXTENSION OF CITIZENSHIP.

Inextricably linked to the idea of social citizenship is, of course, parliamentary democracy, yet the development of the latter is more often related to conflict within industrial capitalism (class struggle and a need for political security) than to preparations for total war. As we saw in Chapter 2, the development of a disciplined mass industrial workforce also, from the point of view of the state, made potentially possible the creation of disciplined mass armies. Since industrial capitalism developed within a framework of competing states, it inevitably had profound effects on the prospects for war. Virtually every aspect of the development of capitalism, from the rapid advance of technology, transport and communications to the emergence of new class forces and the political and ideological responses to them, had a major military significance. Moreover, Shaw (1988) suggests that:

"The development of state bureaucracy to administer a more complex industrial society was also the creation of an infrastructure for mass military mobilisation. The growth of press and parties, viewed as a new means of mass social control, was also the new means of patriotic, militaristic, ideological diffusion." (p.17).

With states becoming quasi-democratic by the end of the 19th century, public opinion was mobilised. From this perspective then, it could be argued that industrial capitalism and parliamentary democracy were the social and political forms required by a new form of state militarism, and that both political nationalism and direct military needs would have social implications. Mann's thesis, for example, builds upon such an account of the development of class relations and citizenship, and in the following discussion I shall be exploring his ideas while drawing a distinction between both the middle and working class in terms of citizenship, and between the First and Second World Wars.

Parliamentary democracy with mass political parties, as opposed to parliamentary systems with limited suffrage based on property, only developed in a number of Western societies towards the end of the 19th century. Before then, citizenship was restricted by class and to men: the majority of the population were unable to vote and women were entirely excluded from the franchise. In the 1860s, Britain boasted an electorate of only 1.3 million - about 1 in 5 adult men. Moreover, Parliament, the Cabinet and local government were still dominated by the landed aristocracy. Elections were frequently uncontested because of deals between rival parties or interests, and were invariably marred by the extensive corruption and intimidation of voters. Finally, a good deal of power continued to be exercised by the hereditary House of Lords and the monarch. Consequently, the decades since the 1832 Reform Act had seen little change in the personnel of Parliament and many middle class radicals felt that, until the electorate was expanded, government would continue to be unrepresentative and uninterested in their grievances.

Thus, during the 19th century, the middle class was mainly concerned with obtaining formal citizenship - most importantly the franchise, as well as legal and religious equality and educational opportunity. It demanded meritocratic reform of institutions, a fair taxation system and protection from the 'dangerous classes' below. The 1867 Reform Act increased the number of electors to 2.4 million but more importantly for the middle class, the government initiated a series of reforms which undermined vested interests. Several of these initiatives promoted individual opportunities by eroding established privilege such as the University Tests Act which opened teaching fellowships at Oxford and Cambridge to non-Anglicans, and the abolition of the practice which allowed officers to buy their commissions in the infantry. Overall, during the period 1860s to 1914, middle class experience was one of material, political and cultural progress - they became house-owners, servant-employers, voters, jurors and literate participators in national culture and commercial markets. But for Mann (1988) these solid achievements had an even greater significance - they 'naturalised' the middle class in the sense that it identified its progress with the achievement of national citizenship. He argues that the consequence was a tremendous sense of national pride,

culminating in a *"joyous nationalism'....an implicit sense of identity, stake and community in the nation."* (p.103).

Meanwhile, alongside this development, a new external threat arose in the shape of the huge Continental armies of the post-1870 era, and whose capacity for rapid mobilisation underlined Britain's vulnerability, all the more serious in view of the naval building programmes of France, Russia and Germany. This sense of external threat began to make an impact: the relatively relaxed British patriotism and 'joyous' national pride gave way to a more aggressive and militarist nationalism which built on top of the notion of a progressive, prosperous, bourgeois nation in control of its own destiny. Through duty, sacrifice and struggle the nation would defend 'its place in the sun'. Thus for Mann, one of the main causes of World War 1 was the growth of 'bourgeois nationalism', expressed through the successful pressure exercised electorally by middle class 'public opinion' which urged states on to further aggression when faced with a geo-political crisis. Mann, in my view, is correct in highlighting the influence of the middle class with regards to the expansion of citizenship rights, and studies of late 19th century nationalist, militarist and imperialist pressure groups appear to support his arguments. However, events elsewhere also played a part in the development of social citizenship, not least the Boer War.

The Boer War (1899-1902) had the effect of exposing Britain's lack of friends in Europe and her military vulnerability: any serious challenge during the South African conflict would have been extremely difficult to meet. Consequently, there was widespread agreement that the war had exposed alarming deficiencies in Britain's military system. Additionally, it had also highlighted the inadequacy of the labour supplied to the armed forces, drawing attention to the health and diet of the working class and providing the stimulus to the movement for National Efficiency. In the Manchester district alone, only 3,000 of the 11,000 men attempting to enlist were found to be physically fit enough to carry a rifle and withstand the fatigues of discipline, fears began to be expressed for the future of the British empire.

Semmel (1986) argues that 'social imperialism', of which he identifies two types, begat 20th century social reform. The first emphasised the need to maintain the empire and asserted the welfare of the working class depended on imperial strength; while the second started from the condition of the working class and suggested that it would be impossible to defend the empire without a healthy base. Sidney Webb, commenting at the time, advocated a minimum standard of life which he saw as essential to national efficiency and imperial strength, and Asquith made a similar point when he stated:

“What is the use of talking about empire, if here, at its very centre, there is always to be found a mass of people stunted in education, a prey of intemperance, huddled and congested beyond the possibility of realising in any true sense either social or domestic life.” (in Hay 1977. p31).

Thus, the National Efficiency movement was concerned with Britain's military weaknesses - hence the call for more professionalism in the army, reflected in the establishment of the Committee of Imperial Strength, the Officers Training Corps (1902) and the General Staff (1904). But generally, it looked to more extensive forms of military training, higher educational standards, and improvements in the physical condition of children. Combined with an awareness of a declining middle class birth rate and high infant mortality, the recommendations of a 1904 Inter-Departmental Committee on Physical Deterioration saw remedial action as a matter of national advantage, if not national necessity. Reforms such as the Education Acts of 1902, 1907 and 1910, school meals for the needy (1906), notification of births and medical inspections (1907) and the Childrens Act (1908), all reflected a profound fear by government that to neglect the physical welfare of the young was to undermine and positively endanger the security of the nation.

Moreover, with over 60% of adult males having the vote after 1884, politicians had an incentive to introduce welfare measures, either to attract electoral popularity or to prevent workers turning to extreme socialist organisations such as the Social

Democratic Federation, the Socialist League and the Independent Labour Party. Thus, by linking imperial strength with social reform and by suggesting a necessary interdependence, the organised labour movement came to believe that such reforms were essential in order to create national efficiency, upon which imperial power depended. In one sense then, social reform succeeded in suppressing class antagonisms and subordinating class interests to those of nation and empire. However, unlike their middle class counterparts, the working class did not perceive themselves as having a 'stake' in the nation and were, therefore, not so aggressively militaristic, nor nationalistic - full citizenship had yet to be obtained.

Nevertheless, the working class could, when necessary, be rallied around the Union Jack, and in 1914 they went loyally to war, although the rush of recruits (1,174,000 between August 1914 and January 1915) were only vaguely patriotic. Young men, particularly those drawn from the ranks of the working class, were driven more by the excitement, the status conveyed by a uniform, and anticipation of foreign adventures with fellow workers, rather than enthusiasm bred from nationalistic and militaristic fervour. In sum then, with full citizenship for the middle class, came greater social and political participation and a stronger identification with the state and its security, although for the working class with limited rights of citizenship, this identification was not so strong. Thus, it can be suggested that at the beginning of the 20th century, warfare and imperialism were recognisable motors for social reform. World War 1 was to greatly accelerate this change, particularly by expanding expectations among working people themselves. But as the following discussion will show, these expectations were to be disappointed in the aftermath of war.

WORLD WAR I

By 1916, nationalism was no longer centred on just the middle class and sections of the upper class. The war was one of mass mobilisation of both soldiers and civilians - a case of 'the rulers needing the masses'. Historians, who hitherto focused upon the negative aspects of World War 1 (eg. the loss of 750,000 British males) have, in

subsequent decades, emphasised its constructive effects. It was seen, with hindsight, as a new kind of war - 'Total War'. Previous conflicts had usually involved quite small numbers of fighting men and made only a limited impact on society.

Historians have described the late 18th century as a classic era of 'limited war', in which relatively small armies would manoeuvre with the intention of avoiding rather than engaging in battle. Campaigns would be designed to exhaust an opponent's economy by occupation in search of strictly limited political aims. Nevertheless, warfare was to become increasingly more total in its impact during the course of the 19th century. For example, during the French Revolutionary and Napoleonic wars (1792-1815), the motive forces of nationalism and democracy combined to create a mass citizen army through the introduction of universal male conscription. Although the forms of universal service adopted were necessarily selective in practice, states were rapidly accepting the national birthrate as an index of military power. There are sufficient examples of the way in which the impact of war upon society was increasing through the 19th century (eg. the Crimean War 1856-56, the American Civil War 1861-65, the Franco-Prussian War 1870-71) to suggest that World War 1 should be regarded as a natural progression from earlier conflicts rather than as unique.

Although 'Total War' was still a relative concept since, as an absolute, it was unrealisable through a lack of instantaneously destructive weapons, this is not to suggest that belligerents did not attempt the absolute. The participation of many states on a global scale and their willingness to use extreme means to achieve wide aims resulted in destruction of life and property on an unprecedented scale compared with previous wars. By 1916, almost all the characteristics of limited war were obsolete - the only surviving characteristic being that people (i.e. the civilian population) were still somewhat isolated from the battlefield and thus, did not appreciate its full devastation. (In all, the First World War is thought to have resulted in 10 million dead and 20 million seriously wounded, leaving 5 million widows and 10 million orphans). Nevertheless, during 1914-18, over 5 million British men enlisted in the armed forces and their support and maintenance required a huge civilian effort by both men and

women. At this point, we need to assess the impact of the war effort on the development of social citizenship.

The necessity for mass participation has led many historians to argue that the political elite had no option but to grant a succession of concessions or rewards of both an economic and political nature which had the effect of levelling some of the inequalities in British society. But did war participation mean civic participation? This was the demand of the organised labour movement including the Labour Party which, as a result of war, seized the initiative from the Liberals at the grass roots. By concentrating on defending the interests of working class families over wages, pensions, wartime allowances, prices, rents and plans for the enactment of new social policies such as state-subsidised housing, Labour achieved concrete results. As Mann (1988) comments:

"There was rationality even in the slaughter: popular rule could be better advanced through militarism" (p.175).

Through the success of Labour, the experience of the middle class before the war - progress through the nation - now became more generalised to the people as a whole. The people were willing to sacrifice, but they wanted something in return. So what precisely did they gain in the way of social citizenship?

The First World War did not fundamentally change the Edwardian system of state-financed social welfare, although it did help to expand it and indirectly strengthened the political foundations. For example, allowances and pensions to civilian dependants became necessary as a result of the mass enlistment of men and the resultant casualties, which laid the foundations of the later 'family allowance system' by recognising the crucial role of the wife and mother. The huge loss of male lives in wartime also fuelled concern to promote the health of infants, hence the 1918 Maternity and Child Welfare Act which compelled local authorities to implement nationally determined standards of care. Another example of wartime policy reflecting concern about children was H.A.L. Fisher's Education Act of 1918, which made secondary education compulsory to the age of 14, proposed a complete system from nursery to higher

education and offered a 50% grant to local authorities. However, the most significant of social reforms during this period was housing policy because it was Lloyd George's government that promised to build 'homes fit for heroes' in 1918. Swenarton interprets this gesture as a government response to working class unrest - an 'insurance against revolution' (hence the elaborate design of the houses intended for the 'respectable' organised working class) rather than as recognition of the 'heroic' efforts of soldiers. The 1919 Housing and Town Planning Act offered a generous state subsidy to local authorities to encourage housebuilding. However, the shortage of labour and the uncooperative attitude of builders resulted in only 170,000 of the projected target being met, which although representing a major advance in housing policy, fell far short of the promises made to returning war heroes.

It is important to recognise that post-war social reform was extremely precarious, and the chief reason for this was, of course, economic instability. Vast social needs could not be met in a world market system whose inadequacies had been deepened rather than overcome by the consequences of war. By 1921, the 1919 Housing Act had been abandoned, the victim, alongside education, of the 'Geddes Axe'. Yet economic factors aside, the failure of social reform can also be seen as the result of political conservatism and administrative inefficiency. Many politicians interpreted 'reconstruction' as a return to pre-war values (i.e. faith in the free market), and even if a more radical interpretation had been placed upon the concept, the machinery of government had not been overhauled enough to permit central direction. For example, the Ministry of Labour did not lack reforming zeal, but was not courageous enough to challenge the Treasury's views on economical government and ended up suppressing reforms which it had originally encouraged such as the extension of minimum wage regulations. Thus, the somewhat speedy reversal of large parts of the reconstruction programme and the continuing reverence given to classic economic orthodoxy in the post-war period, clearly suggests that it is at least an exaggeration to claim that mass participation in the war effort had a fundamental impact on official thinking; in many ways the rhetoric of reconstruction was designed to serve a temporary political need.

Nevertheless, in terms of citizenship, there was at least one solid concession granted in wartime and that was the extension of parliamentary democracy - this was a reform that could not be withdrawn in the event of changed political or economic circumstances. It has already been noted that prior to 1914 only 60% of men and no women enjoyed the vote, a situation that severely embarrassed the Liberal government who had failed to effect some reforms. The war exacerbated the problem simply because many men, through leaving home, lost their place on the electoral register, and government was fearful of holding an election from which large numbers of patriotic war workers were actually excluded. The 1918 Representation of the People Act succeeded in enfranchising virtually all adult males and women over 30 who were themselves, or married to, local government voters. As a result, the electorate increased from its pre-war figure of between 7-8 million to one comprising 13 million men and 8 million women.

It is indeed the case that, despite wartime repression, parliamentary democracy had become more widespread in the aftermath of World War 1. But a political reward for war effort? It appears very doubtful that the 1918 Act can be explained in terms of fundamental changes in attitude brought about by mass participation in the war. Politicians certainly paid tribute to patriotic war workers, implying that the vote was a reward for, or in the case of women, a recognition that they had proved their capabilities as workers. But in reality, most politicians continued to disapprove of women as paid employees and had no hesitation in forcing them out of their new jobs, to say nothing of withholding the vote from young women who worked in the vital munitions factories. War had clearly failed to alter traditional ideas about the role of the two sexes - the typical female voter appeared to be the mature wife and mother primarily concerned with the preservation of her home life, not pursuing a career or fighting the feminist cause.

To sum up: it may be that to some extent the entry of the working class into citizenship was accelerated by wartime participation, but it is also plausible to argue that the political reforms of 1918 were passed more to meet party political objectives than because of a radical change of heart with regards to rights of citizenship. Moreover, it

must also be borne in mind that the extension of parliamentary democracy occurred within a society whose structures of wealth and privilege remained unaffected by modest reform. As for reconstruction as reward for war services rendered, it was a concept that came to mean different things to different people. The soldiers on the battlefield took it to mean compensation for the sacrifices of war, a land fit for heroes to live in. The King's Speech which opened the first post-war Parliament appeared to endorse this view:

“...since the outbreak of the war every party and every class have worked and fought together for a great ideal...we must continue to manifest the same spirit. We must stop at no sacrifice of interest or prejudice to stamp out unmerited poverty, to diminish unemployment and mitigate its sufferings, to provide decent homes, to improve the nation's health and to raise the standard of well-being throughout the country.” (Hansard 11/2/1919).

However, for the politicians and civil servants, reconstruction meant a return to pre-1914 normality where workers were content and obedient and private enterprise flourished. Traditional social barriers remained, shrouded only by the mist of sentimentality which many observers of the time were quick to see through, including the economist Arthur Shadwell:

“The war was generally expected to lead to a sort of Utopia, in which the lion would lay down with the lamb...There was no substance in this sanguine vision; it was simply a nebulous hope, born of war excitement and fed by politicians phrases...such as the nebulous word ‘reconstruction’. I can remember no such prolific begetter of nonsense as this idea of ‘reconstruction’.” (in Waites p.73)

Thus, although World War 1 may have produced an 'ideal', the reality of post-war Britain was not indicative of a state rewarding its citizens for the sacrifices of war - reconstruction bowed to the might of economic orthodoxy, and any social and political change was absorbed or contained within a society which differed little from the socially stratified model of 1914.

THE SECOND WORLD WAR

In the period of 'total war' it is World War Two that has been inextricably linked to the development of social citizenship. It had been claimed by Richard Titmuss in his history of social policy that the experience of World War Two and the arrival of Churchill's coalition in 1940 led to a fundamentally new attitude on welfare issues. He argued that apart from concern for national efficiency, conditions of war also highlight the state's concern for civilian morale. Other historians, for example Marwick, argue that the effects of war were so radical and far-reaching they should be compared to a 'social and economic revolution'. Paul Addison in 'The Road to 1945' reaffirms the significance of wartime policy and its close relationship with post-war reform, and emphasises the political consensus of the Coalition on social and economic reconstruction. Pelling, on the other hand, claims the Second World War was more or less irrelevant to post-war trends, most of which had their origins in the 1930s or before. A similar conclusion, though from a different standpoint, is reached by Calder in his study 'The People's War', while Barnett (1986) takes the view that victory was lost to social instead of economic and industrial change - for him, the priority of the government should have been the reconstruction of British industry.

However despite some disagreement among historians, it has been generally accepted that the emphasis on universalism during the 1940s stemmed from the unprecedented sense of social unity which had developed during the war. The years of common effort and sacrifice are believed to have brought about a fundamental shift in public attitudes and created an atmosphere in which a return to the social divisions and inequalities of the 1930s would not have been tolerated. During the critical period of the Slump, when economic and social conditions were very difficult, welfare measures had been demanded and provided piecemeal, with varying conditions of regulation and administration;

'...a frightening complexity of eligibility and benefit according to individual boundaries, degrees of need and so forth.' (Briggs A. 'The Welfare State in Historical Perspective'. p.4)

The dole queue and the means test became the twin symbols of the inter-war Depression, and the focus for a collective determination not to repeat the failures and mistakes of those years. Despite the long-term trend towards a slight redistribution of income (through factors such as taxation, welfare measures, fall in the incomes of the rich etc.), great inequalities clearly remained in British society.

In the rest of Europe some countries such as Germany and the USSR were witnessing an acceleration of social reform, but such change could hardly be linked to the development of social citizenship. Shaw (1988) commenting on the 1930s suggests that:

"Any virtuous dialectic of citizen rights and warfare were largely overtaken by a much more vicious relationship between totalitarianism and remilitarisation. True, Hitler and Stalin could boast full employment and some forms of welfare, and in Germany living standards were maintained, but these rulers did not offer citizenship, only (at best) the perks awarded to obedient slaves." (p.55)

Shaw's point also serves to demonstrate the danger of adopting an ethnocentric perspective on the development of social citizenship - comparisons between states forces us to abandon an emphasis on a single cause and search for other possible links, a point I will return to later.

Regardless of the general debate surrounding the effects of war on the development of social citizenship, it would not be controversial to argue that social reform in World War Two resulted partly from the disillusionment at the failure of social reform after World War I, and the need to overcome the resentments of the Depression. But in 1939, a new external threat overshadowed the legacy of the inter-war years - fascist Germany. It soon became abundantly clear that to achieve the mobilisation needed to defeat Nazism, a much closer socio-political linking of citizen to state was essential.

There is little doubt that ordinary people detested Hitler and his fascist Reich, and from the very beginning, the war against Hitler's Germany was presented to the British people as a fight against 'the forces of darkness' that 'threatened civilised society'. In Chamberlain's broadcast to the nation at the outbreak of war he warned:

"It is evil things that we shall be fighting against: brute force, bad faith, injustice, oppression and persecution." (Pugh 1994. p.111)

Against this, Britain stood in defence of 'liberty', 'democracy' and the rule of law. Unlike the First World War, the purpose of which was questioned by many, World War Two was seen as an ideological rather than a territorial battle - a 'just war' which required nothing less than Hitler's unconditional surrender and the restoration of democracy throughout occupied Europe. For the Allies, German fascism challenged the moral order of Western democracy, repudiating the contractual basis of consent on which the legitimacy of the liberal democratic state depended. Nazi occupation brought exploitation, servitude, the loss of liberty and human rights. (Although Britain's hypocrisy with regards to treatment of its own colonial populations appears to have been lost on its politicians).

Nevertheless, despite popular support for the Second World War, this did not obscure the fact that the 'freedoms' people were asked to defend in the name of 'democracy' and 'liberty' were often more rhetorical than real. The same freedoms had been invoked in justification for World War I yet, as I argued earlier, poverty, unemployment and social deprivations remained constant companions of the working class throughout the inter-war period. The 'land fit for heroes' promised to volunteers had proved to be at least as inhospitable and insecure as British society immediately before the Great War. (Morgan & Evans 1993). The differences between classes and regions remained as great in the late 1930s as they were after World War I, and little had been done to alleviate these unreasonable contrasts of prosperity and decay. The industrial working class remained a nation apart, yet were to become the 'ordinary people' upon whose qualities the defence of liberty relied. After years of hardship and neglect they were called to the centre of the national stage to fulfil their political obligations under conditions of total war. Not as members of an exploited class however, but as soldiers and workers in a patriotic struggle for liberty, justice and equality, against oppression, intolerance and brute force.

The conventional view has been that public morale was boosted by firm official action and Churchill's inspiring speeches such as that broadcast on the 18th June:

"I expect the Battle of Britain is about to begin...Let us brace ourselves to our duty, and so bear ourselves that if the British Empire and its Commonwealth last for a thousand years, men will still say 'This was their finest hour'." (Pugh 1994 p.225).

Churchill's rhetoric was grounded upon his belief in the inherent qualities of the British people - their sense of community and fair play and duty to the state, their instinct for decency, justice and, above all, their determination to win the war.

"No longer were the British workers seen as the idle, intractable troublemakers of pre-war years; they were now air-men, soldiers, servicemen, and civilians risking their life by 'doing their bit'. (Morgan & Evans 1993).

Heroism was no longer limited to the singular courageous act of combatants - it extended to civilians who were daily exposed to aerial attacks. Non-combatants were also praised for their courage and endurance - factory workers, miners, hospital staff, the rescue services and many others who all contributed to the war effort without questioning the dangers or risks. The Second World War has thus been identified as '*a people's war*'

With this 'demilitarisation' of the 'hero' and the 'heroic' deed, the welfare and safety of non-combatants became a major concern, and more attention was focused upon the civilian and his/her living standards. Amongst the urban populations, the Blitz and mass evacuation revealed the squalor of inner-cities and the hidden poverty of working class life. Benefits were extended to the sick, the young and the old as the state accepted wider responsibilities for citizen well-being. Again, these sentiments were captured by Churchill's deeply populist rhetoric - the struggle for 'freedom' and 'democracy' incorporated not only those whose material and personal advantages were well established, but the majority who were socially and economically deprived. Collectively, the 'common people' became a moral as well as an economic category (ibid). However, the view that Churchill's populism appealed to all strata of society is subject to debate. For example, a Mass Observation survey suggested that the Churchillian rhetoric had a limited impact, particularly on women. As a group, women were less optimistic about the war than men, due partly to its disruptive effects on family and social life. Certainly much of the population became indifferent or cynical

towards the massive propaganda effort of the Ministries of Information, Food and Labour. Moreover, despite government attempts to identify the working class with the national interest, the divisions between 'them' and 'us' still remained. For example, the Ministry of Information's poster bearing the slogan 'Your Courage, Your Cheerfulness, Your Resolution Will Bring *Us* Victory' attracted so much hostility that it had to be withdrawn.

The war also impinged upon civilians by stimulating the demand for labour - the need for essential supplies pushed unemployment below 10%, brought rising wages and new life to the industries of Scotland, Wales and the North. Food rationing, conscription and shortages of all kinds established the principle of 'fair shares for all', while the need to control productive resources transformed the economy with directives that 'resembled the centralised command of a socialist state'. (Morgan & Evans 1993) The acute shortage of human resources brought home the fact that the strength and security of the nation depended upon the labour of the working class, and measures were introduced which improved conditions of employment and safety at work and raised minimum earnings (although few employers offered more than the statutory minimum through fear of prejudicing their dominant position within labour relations). In the last analysis, victory depended upon production and 'the will of the people to keep the factories going at full blast'. (ibid)

Nevertheless, despite economic planning, production continued to be coordinated within the framework of free enterprise. With minimal competition, the state as guarantor against financial risk and the curtailment of labour mobility, conditions for a flourishing capitalism had rarely been so favourable. Managers continued to manage in the interests of shareholders and private firms, lending weight to socialist critiques that 'patriotism is another name for profits'. Indeed, the population in general showed little sympathy for those who complained that the lack of financial incentives during wartime was retarding production. For example, the overwhelming majority of respondents in a Mass Observation survey believed that efficiency would increase if essential industries were taken out of private hands, while 6 out of 7 favoured conscription of private assets and wealth. (ibid).

However, it was not part of the government's programme to transform the established order or to redistribute property and wealth, although it did acknowledge that meeting the hopes and expectations of ordinary people was crucial to a war that had to be won on the home front. The war effort was raising questions about the directions and priorities of British society, and in whose interests the war was being fought - at the heart of these questions lay the future of employment and the conditions of working class life. This concern was reflected in a government White Paper of 1944 which stated:

"In a matter so fundamental, it is right for all citizens to stand together, without exclusion based on differences of status, function or wealth."

Through universal schemes concrete expression would be given to the solidarity and unity of the nation which

"..in war has been its bulwark against aggression, and in peace will be its guarantee of success in the fight against individual want and mischance." (Jeffreys K. 'British Politics and Social Policy During WORLD WAR TWO').

It was argued that after the large sums raised for warfare, smaller sums could be used to produce a 'Welfare State'. Universal entitlements to free education, free medical care and a civilised standard of domestic life would substantially enhance the status of citizenship, establishing principles of distributive justice as a democratic right. For Morgan & Evans (1993):

"The shape of this new society found general accord: it was to be a social democracy harnessing the energy and dynamic of capitalism to the welfare of the people as a whole. The pernicious and destabilising excesses of capitalism would be tamed by broadly Keynesian strategies, while publicly-managed programmes of distributive justice would balance individual freedoms with the common good." (xvi).

The vision of the new post-war society was encapsulated in the 1942 Beveridge Report which called for a comprehensive system of social security based on subsistence-rate benefits, to be effective only if accompanied by full employment and a new national health service. The immense popularity of the Report suggested that there existed between political parties a common approach to welfare reform, a new and positive

social policy consensus. But again, total war concealed conflict at home and the Coalition government, symbolic of the patriotic front against Nazi Germany, obscured a diversity of deep-seated differences between political parties over social reform. At root, the differences were about whether social security was a minimum provision for the prevention of absolute poverty (the Conservative philosophy) or part of a general attack upon inequality (the Labour view).

Thus on an ideological level, against the Tory belief that democracy should ensure the unfettered right of individuals to pursue their interests in the market place, there emerged the idea that a democratic state should provide a measure of collective security for every citizen in equal part - extending to minimum standards of welfare as well as to civil and political rights. These ideological differences and the influence of Conservative philosophy were reflected in a series of government White Papers on health, education and employment, indicating a consistent pattern of compromise, concession and continuity in social policy. In effect, the balance of Coalition forces did not advocate wholesale departures in social policy but believed in retaining a major place for private over public enterprise. Nevertheless, by 1948 Britain had established a 'Welfare State' which had two dimensions: full employment, to be achieved through Keynesian demand management policy; and an extensive range of public services (eg. education, health) and cash benefits available 'from the cradle to the grave'. It was an achievement indeed and of tremendous significance for the development of social citizenship - but was it the result of wartime conditions and mass participation, from which sprang a philosophy of universalism and egalitarianism?

THE POST-WAR CITIZEN: RHETORIC OR REALITY?

At the beginning of this chapter I cited a number of academics who, to a greater or lesser degree, viewed World War Two as instrumental in transforming the relationship of citizen to state. The 1939 Emergency Powers Act ensured that almost every aspect of social life was subject to state control and scrutiny. 'Freedom' and 'democracy' under conditions of war thus meant state control and a political obligation placed upon

citizens to 'do their bit'. Yet promises of prosperity and future employment inspired visions of a better world and the idea of social planning became a political priority - a key to the aspirations of a 'people's war' and a condition of the free and equal society Britain was fighting for. But to gain a clearer insight into the reality behind the ideal, we need to clarify a number of concepts.

First, what did 'freedom' really mean? The 'freedom' of people 'to control their own destiny' which needed to be defended against Nazi tyranny was no more than an ideological abstraction to those who had suffered the deprivations of the inter-war period. The 'freedom' working class people were fighting for was the right to regular work - freedom from unemployment not freedom to control one's destiny (although the former, of course, contributes to the latter). As for 'democracy' - what image of the good society were citizens fighting and sacrificing to defend? In Chapter One I concluded that 'democracy' in any meaningful sense implied horizontal relationships of duty and obligation between citizens and extensive political participation and representation. But democracy in the post-war visionary society was to be a continuation of 'democracy' in wartime - that is, 'democracy' from above. The better world was to be shaped by state planning and government 'experts' such as Keynes and Beveridge whose ideas and reports were hugely influential. Thus, 'democracy' implied a vertical relationship between citizen and state, offering very limited scope for direct popular initiatives and direct mass involvement.

In view of the above conclusions regarding 'freedom' and 'democracy', it follows that the general concept of 'participation' also requires some clarification. Used in a neutral sense, it is undoubtedly the case that the population participated in total war - that is, it was mobilised, forced to work, fight, kill and die for the state. However, using a more positive definition, deemed more appropriate for inclusion within the ideal society outlined in previous chapters, we could argue that citizens did not participate in the sense of being able to influence the aims and conduct of the war, or of enhancing their post-war influence on social and economic organisation or their social rights. Moreover, 'participation' in total war did not lead to any breakdown in class distinctions - if it achieved anything, the identification of World War Two as a

'people's war' has tended to disguise such differences. In sum, the British state throughout the period of total war, took for granted that any extension of social citizenship was mutually compatible with a capitalist system (and its attendant power relations). This assumption has led to a continuation of the contradiction between the formal equality bestowed by newly acquired rights of citizenship and the persistence of economic inequalities rooted in the free market.

To conclude this section on citizenship and total war, I am willing to concede that the central role taken by the British state in social reform and the ideology of planning and intervention was *strengthened* by wartime experience. The shape of post-war Britain was forged in part as a consequence of a test of state and society; in which the state directly mobilised society and society was, in turn, able to secure some reforms. But there was continuity in the state, in the maintenance of modestly adequate living standards and in working class improvements.

We know then, through reference to the historical evidence, that the British state was successful in mobilising society and the economy in both World Wars through winning the active consent (through participation in its neutral sense) of the mass of the population. But it is at this point that we become vulnerable to the charge of ethnocentricity, because it is this reliance of a liberal state on consent which brings the 'participation' effect into play at all. If we assume consent through (neutral) participation within the context of a liberal democracy, then we can agree that Britain is an exceptionally strong case of what Mann calls 'the dialectic of development of civic and military participation'. But it also follows that we cannot expect to find such a dialectic in every national case. The effects of total war on citizenship and social change are also determined by the nature of the political systems involved. For example, the early post-war years in most of continental Europe and Japan were years of great hardship and desperate reconstruction measures. Social reform in most countries was not, as in Britain, shaped in part by wartime 'participation' but by conditions of full employment in the 1950s. Thus, the extension of democratic rights to include social rights and the subsequent development of a welfare apparatus rests more on the balance of political and economic forces at both national and international

levels. If this is the case, then we can also suggest that wartime changes and developments should be placed within the context of long-term social trends - evolutionary rather than revolutionary change.

Nevertheless, I would concur with the generally accepted view that the experience of total war *accelerated* change and strengthened the identification of ordinary citizens with the values and objectives of a society as a whole. However, the status of citizenship was not granted as of right, it had to be earned through fulfilling one's obligation to the state, in terms of enduring the hardships and sacrifices of war. But in terms of satisfying the criteria of citizenship as defined in Chapter Three, the rights gained were of an extremely modest nature. The formal negative rights of citizenship were consolidated by the experience of the First World War, and the expectation that full employment would be maintained by the state was the most tangible concession the working class gained from the Second. In conclusion therefore, I suggest that 'participation' in total war as an explanation for the extension of social citizenship, is a relevant and instructive concept, provided it is subject to clarification and its limitations kept in mind.

In the previous section I examined the impact of 'total war' on the extension of social citizenship, and concluded that war fuelled reform but within the existing socioeconomic relations of a capitalist society. Moreover, I attempted to show that the 'national cohesion' and 'social solidarity' created by World War Two has proved to be an enduring myth. The war effort did little to change the underlying structure of privilege and class regardless of central planning - the distinction between 'them' and 'us' was as sharp as ever despite the rhetoric of 'fair shares for all'. Nevertheless, the idea of citizenship did express a qualitative change in relations between individual and the state, a more caring/reciprocal relationship based on cooperation, fairness and distributive justice. Thus the expansion of citizenship after World War II was regarded as a social right.

Here, I want briefly to identify the image of the post-1945 citizen as an analytical tool for the purpose of later comparison, by setting out his/her characteristics and the assumptions which shaped them. First, as I stated above, calls for 'fairness' and

'distributive justice' took no account of traditional structures of status and privilege. As a result citizen participation in any meaningful sense was severely limited. Hereditary peers, high court judges and senior civil servants continued to benefit from entrenched systems of deference and elite recruitment through closed social networks such as direct inheritance and education through private schools and ancient universities. Second, calls for social equality were confined to a modest levelling of income rather than a redistribution of private production property and no attention whatsoever was paid to sexual and racial inequalities. Thus, the 1945 citizen was male and white, an image which has endured and been reinforced through implementation of the Beveridge reforms. Finally, the 1945 citizen was hostile towards 'ideologies' and 'revolutionary' ideas - a non-radical, pragmatic individual. To sum up the post-World War Two citizen:

"He was the long suffering Tommy who had loyally served his country and the King in the expectation of a fairer and better world" (Morgan & Evans 1993 p. 64).

Undoubtedly, post-war Britain did offer the chance of a fairer and better world, albeit of a modest nature. But the roots of the post war reconstruction with its popular social reforms were to prove to be far from secure - not least because they rested upon the shaky foundations of full employment and sustained economic growth. Moreover the post-war political economy was rendered even more fragile by the assumption that Britain would remain a major military power, committed to defending the liberal order within which a welfare democracy could flourish.

Britain has had considerable difficulty in relinquishing its grasp of itself as a dominant world power. Undoubtedly, Britain was hegemonic during the 19th century - its Navy dominated the seas, it led the Industrial Revolution for a 100 years. In 1860 Britain's manufacturers constituted half of the worlds, her exports were a quarter of those of the world. But towards the end of the century, Britains role as a world leader began to diminish.

Mann offers a useful empirical analysis of Britains decline which for him, lies in the institutions of its ruling class. Lack of space prevents me from giving Manns thesis the

attention it merits, but to summarise, he argues that the British ruling class were committed first, to a global militarism, second, to a laissez faire economy, and third to the development of financial/commercial institutions. This led, in turn to a large proportion of public expenditure being devoted to military spending and research and development; the protection of sterling rather than encouraging domestic production; and channelling investment into commerce rather than industry. By the 1960s the British economy was far less efficient than the competing economies of Europe, the US and Japan.

Britains over-commitment to militarism in the post war period was influenced in large part by the special economic and military relationship it was determined to maintain with the US, and its ideological commitment to the ensuing Cold War. After World War Two Britain had requested a five billion dollar interest free loan and expressed a desire to share Americas monopoly of nuclear research and technology- the US displayed reluctance on both counts. (Indeed, Truman's reluctance to share America's superiority was a formative influence upon Atlee's decision to build a British atomic bomb). However, by 1948, Anglo-American relations had improved as both countries were drawn together *"to protect democracy and the freedom of the West against Communism "* (p.147). The signing of the NATO Pact not only committed the US to indefinite military involvement in Europe, but also tied Britain to American defence and foreign policies for years to come. Moreover, the perceived Soviet threat fuelled the imperial assumption of Britain as a major military power - a grandiose illusion almost universally shared by Britain's politicians, its military and civil service alike.

Britain's commitment to military spending has been irrational for a number of reasons. Most obviously, because it is largely the result of delusions of imperial grandeur. Also, in terms of the proportion of total R & D expenditure going into military products only the US rivals Britain. But military demand in the US is large and is protected from foreign competition. Thus, Britain can rarely compete effectively in the US or equally on world markets. Finally, there have been few technological spin-offs from military products in recent years. Many economists, for instance, believe that the economies of Germany and Japan have flourished precisely because they do not devote

large proportions of GDP to military spending. In sum then, we can argue that the priority given to military concerns cannot be justified and counts as a significant contributory factor in Britain's decline - a deterioration exacerbated in the post war period by Britain's involvement in the nuclear arms race. So what were the implications of such a narrow focus on defence for the extension of citizenship?

Shaw argues that the Cold War phase indicated a shift from the 'mass militarism' of World War Two to the nuclear-dominated militarism of the late 1950s onwards. This transition, in turn, had implications for society and the state and the relationship between the two. In terms of the former, the nuclear arms race ushered in a period of protest groups and single-issue campaigns. For example, the Campaign for Nuclear Disarmament became an influential model for many subsequent groups - from political rights to animal rights. However, the character of the state was also undergoing a transformation. We have seen how the centralised and bureaucratic character of the 'military-democratic state' of World War Two was based, to some degree on a bonding of state and society and a relative unity within the state of its military and social apparatuses. Military participation implied social participation (albeit of a distorted form or, at best, participation in its neutral sense). However, in the age of 'nuclear militarism', total societal mobilisation is no longer required, at least:

"A nuclear war ... will mobilise society as a whole only in the sense of delivering it to mass destruction" (Shaw p. 104).

This is because of the remoteness of nuclearisation - the nuclear state opens up a large gap between its military branches and the underlying society.

In our previous discussion we saw how the period of total war accelerated social reform with regards to citizenship - the relationship between citizen and state was transformed as the latter became more interventionist. If we accept Shaw's observations, we can suggest that this relationship is undergoing yet another change. The political consequence of 'nuclear militarism' is that the 'nuclear state' cannot now be relied upon, as could the 'military democratic' model of 'mass militarism', to provide basic social needs. Because nuclearisation does not require societal mobilisation in

terms of large conscript armies and mass production munition industries, the link between the state's military and social apparatuses is considerably weakened, which, in turn, has implications for the state's obligations towards its citizens. One consequence of this is the reduction of services which individuals and groups cannot provide for themselves, reflected in the 1980s/90s welfare reforms discussed below. The remainder of this chapter will explore the extent to which, in the context of the nuclear age, the future of citizenship will differ from its past.

For purposes of comparison, let us return to the 1945 citizen or more precisely, the concept of citizenship which helped shape the post war reconstruction. The expansion of citizenship was seen in terms of social rights - a view endorsed by T H Marshall and many of his contemporaries. In his famous essay 'Citizenship and Social Class' (1950) Marshall envisaged citizenship as involving three elements: civil, political and social. These, he argued, were developed, and struggled for, in successive centuries : civil rights in the 18th; political rights in the 19th and social rights in the 20th. To gain a clearer insight it is worth quoting him at length:

"The civil element is composed of the rights necessary for individual freedom - liberty of the person, freedom of speech, thought and faith, the right to own property and conclude valid contracts, and the right to justice...the institutions most directly associated with civil rights are the courts of justice.

By the political element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority. The corresponding institutions are Parliament and councils of local government.

By the social element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society. The institutions most closely connected with it are the education system and the social services." (1950. p.10-11)

The 'social rights' Marshall identifies are what we mean today by the 'welfare state' and social democracy.

Marshall's thesis is evolutionary in its approach and is remarkably ethnocentric, suggesting that he may have viewed Britain as a typical illustration of the capitalist West. His general argument is that industrial society institutionalised class struggle through mass citizenship. This is true to the extent that all regimes have guaranteed some citizen rights, but as I stated at the outset, if we adopt a comparative approach we can see that they have done so in very different degrees and combinations. Thus, the picture is much more complex. However, working within his evolutionary perspective, Marshall explores the tensions between economic inequalities and demands for popular participation, both generated by the development of capitalism. The post war reconstruction measures, particularly the introduction of universal services of social welfare, were the basis of his claim that World War Two had enhanced the advancement of citizenship through the expansion of social rights. These rights had been 'earned' through the collective sacrifices of war. In the same spirit, it was assumed they would be actively upheld. Indeed, this "*modern drive towards social equality*" (p.73) as Marshall called it, encouraged the belief that there were few limits to the extension of citizenship and the democratisation of civil society.

It is only in retrospect, that we can call Marshall's vision of citizenship as some kind of 'social glue', optimistic, if not romantic. His ideas of fairness, and a sense of community as forming the basis of social cohesion, a progression of enrichment that could not be impeded, belonged to a society emerging from war and imbued with a spirit of optimism and high expectations.

Most certainly, they are proving increasingly inapplicable to society in the nuclear age. The relationship of state to citizen has changed to the extent that it is now plausible to argue that the state can no longer demand the obligation from its citizens to kill or die on its behalf. In the past, the state recognised its duty to support its citizenry (albeit reluctantly on occasions and with modest reform) through the extension of social rights. However, within the nuclear context, the state no longer requires the participation of its citizens in circumstances of war - the only participation required is in an economic sense - citizens as consumers and producers, citizens as markets. Thus,

the citizenry no longer has the protection of the state, only that provided by civil and political rights (and, as we have seen, this is questionable) and in consequence, has, therefore, no political obligation, (except to obey the rules of markets such as honouring contracts, paying taxes, abstention from fraudulent practices etc.)

That is why, in all fairness, Marshall's essay has to be read in historical perspective. We need only to look briefly at what citizenship entails in the 1990s to see that Marshall's conception of the post war reconstruction of citizenship as a 'a new common experience' and his belief in its impeded expansion have not been realised, particularly within the realm of the 'social rights' he identified.

The 'nuclearisation' of society, however, sits very comfortably with the neo-liberal reforms of the New Right, whose policies have radically transformed the concept of citizenship in recent years. For them, the post war reconstruction should be viewed in a negative light. Far from maximising liberties, the egalitarian ethic of the welfare settlement undermined individual freedoms through bureaucratisation, stifling private enterprise and increasing peoples dependence on the state through generous welfare measures. Citizenship in terms of social rights has been morally challenged by the prevailing ethic of individualism which in turn has raised wider questions of "freedom", "obligation" and the boundaries between the public and the private spheres.

I have no need to reiterate here the nature and impact of New Right policy on welfare provision - these issues were explored extensively in Chapter 2. Briefly it will be recalled that strategies of privatisation and deregulation have transformed the welfare state, particularly in the area of health, housing and education, with the specific aim of increasing the role of the private sector and decreasing peoples dependence on the 'Nanny state'. The key concepts are now 'consumer choice', 'ability to pay', 'efficiency and competitiveness', echoed in former Conservative Prime Minister John Major's 'Citizen's Charter'. which views citizens as 'customers' of the state. The Charter, with its emphasis on consumers paying a 'fair price' for efficient public services, setting out contractual obligations of purchaser and provider could have been written by Adam Smith himself. Moreover, the obligations discussed in the government's companion report 'Encouraging Citizenship' are primarily concerned with the voluntary services

and charitable works performed by 'active citizens' to protect citizenship 'which is a gift of history, which can be lost or destroyed' p.xv (or maybe withheld?) and maintain social order. There is little discussion of the state's obligation to protect the rights of citizens (once won but apparently mislaid!!) and responsibilities for the well-being of its people. Indeed 'reciprocity' (so important to advocates of the benefactor argument, and Marshall in particular) does not appear to be a key concept unless it is in the contractual relationships of private producers and consumers.

Thus, the 'active citizen' of the 1990s is very different from the citizen of 1945. In the post war conception, the 'active citizen' implied having the ability to participate fully in society which in turn required access to a wide variety of social services regardless of 'ability to pay', rather than the voluntary services of the economically successful. Moreover, the post war state assumed a moral authority representing real aspirations for a fairer society - today if not a technical abstraction, it has become little more than a protection agency for private property. The erosion of a sense of community and reciprocal obligations and responsibilities was also evident in Britain's reluctance to become a signatory to the European Charter of social rights, which proposed extensive improvements in living and working conditions. Britain's opposition to the Social Charter was indicative of its hostility to the expansion of social rights and a more interventionist state, and it is heartening to see that the new Labour government will rectify this situation.

To sum up: I have attempted to trace the development of citizenship with the aim of demonstrating how government policies both in defence and social welfare, have altered the nature of citizenship and the relationship of individuals to the state. I have focused on the Cold War period and the social implications of the 'nuclear state' in order to draw attention to the external influence of foreign policies and defence on Britain's development both home and abroad. Given the now tenuous links between state and citizen, I have further argued that real security lies in redefining political obligation as self-assumed horizontal obligations with each other.

In discussing Britain's decline as a world power, one must of course acknowledge the profound influence of structural constraints such as changes in the global economy. However, it is not implausible to suggest that since 1945, the cumulative effects of industrial decline have been exacerbated by a political commitment to foreign policies and defensive strategies that Britain could ill-afford. The long-term costs of international priorities was domestic decline - overseas commitment diverted investment away from civilian industries into foreign markets and defence. The consequence has been social and spatial polarisation. We are witnessing a widening gap between the haves and the have-nots in terms of wealth, income and regional variations whereas inner-cities carry the burden of mass unemployment and industrial decay, with the South living off an international economic sector which itself is split. Financial and commercial services provide well-paid, non-manual employment at the one end but at the other, is low paid service employment in shops, restaurants and the like.

Nevertheless, one cannot underestimate the impact of New Right policy, although its version of Britain's decline is quite different from the one outlined above. From this perspective, years of socialism and compromise which characterised the post war period have sapped the vitality of the nation. Morgan and Evans (1993) sum up the New Rights narrative in the following words:

"The mission of Thatcher's government in 1979 was to 'rekindle the spirit which the socialist years have all but exhausted'. Her historical heroes were not the 'common people' whose collective efforts carried Britain through World War II, but businessmen, financiers and entrepreneurs - 'the people who built an Empire and ruled a quarter of the world'. In their image, Britain was offered a new reconstruction inspired by a moral commitment to individualism and the extension of market principles to every corner of public and private life". (p.151)

In conclusion, it is evident that Marshall's optimistic assumption that the progress of citizenship is irreversible cannot be upheld. Indeed, the 1990s reconstruction of citizenship demonstrates that far from social rights being extended, existing rights born out of the post war reconstruction are being eroded. It is my belief that these rights cannot be regained, nor extended, until society not only adopts a collective image of

itself but also that the reciprocal (horizontal) obligations of citizens to each other are recognised and acted upon.

The threat of nuclear annihilation is now ever-present. Because of the nature of nuclear weapons, nations have the power to destroy the world as we know it. No one can be sure how complete the destruction would be, but it is possible to envisage Schell's scenario of the earth becoming nothing more than 'a republic of insects and grass' (Schell 1982 Chap. 1). With the implications of 'nuclear militarism' so cataclysmic, it is not surprising that discussions dealing with the prevention of war have been resuscitated.

Many believe it is now possible to envisage a world without war. This is because some of the chief justifications which led to war in the past, particularly the acquisition of new territories, have become less and less relevant in the contemporary world. We are living in an era where nation-states are fully established, with national citizens belonging behind recognised boundaries, part of a network of states which, in the main, do not covet each other's territories. Moreover, as stated earlier, unlike military research and development during 'mass militarism', nuclear war preparations have become too sophisticated for there to be many industrial spin-offs. Any useful research and development tends to favour fledgling industries such as micro-biology. It is widely held therefore that the technological sophistication of war has brought about a situation in which armed conflict serves no rational purpose. In a basic sense then, nuclear weapons have so altered the prospects of war that the problem can increasingly be seen as war itself.

But returning to the conclusion made in Chapter Two for a moment, I have argued that the possibility of war cannot be ruled out. I suggested that war may serve a rational purpose, if its justification and sole aim is the pursuit of a 'just peace', and that it satisfies the criteria of 'jus in bello'. But is it possible that a 'just peace' may well be established in the future without resort to war?

With the end of the Cold War, many commentators hoped that the period that followed would signify a real peace. One such optimist is Francis Fukuyama (1989) who views the victory of liberal democracy and the elimination of world war as representing the fulfilment of the Hegelian 'end of history', namely:

"...the endpoint of mankind's ideological evolution and the universalisation of Western liberal democracy as the final form of human government" (p.50).

This achievement is based less on any international mechanism than on fundamental ideological, social and economic transformations represented by the victory of the market and liberal democracy. The ultimate triumph will be a 'universal and homogeneous state' which is Hegel's final goal in history.

Fukuyama's vision of the 'end of history' is deterministic and remarkably optimistic. First, it does not adequately address the compatibility of liberal democracy with peace. It takes little account of armed intervention (direct and indirect) by liberal democracies in conventional wars during the past 50 years. Nor the perceived threat to liberal democracy from 'new fanaticisms' - seen by Samuel Huntingdon as culminating in the 'clash of civilisations'. For him, the 21st century will witness the 'conflict of religions', one possible scenario being military conflict between the West and Confucianism/Islam (Foreign Affairs 72:3 Summer 1993). Moreover, we must also question the assumption that liberal democracy itself, as a universal state, will guarantee a world of order and peace. Pierre Hassner (1993) has this to say:

"Liberal democracy is the regime which tries unlike all other societies, not to embody the unity of the community in a sacred leader and not to embody evil and violence in a scapegoat, domestic or external. Precisely because of that, it is always in danger of being challenged by the thirst for absolutes, or by the need to find an enemy. The totalitarian temptation is the ever-occurring companion of individualistic democracy, just as the risk of blind self-destruction is the ever recurring consequence of the declining relevance of war" (p.755)

Hassner's view takes on board Freud's notion of the 'return of the repressed' In the context of war, civilisation leads to the aggressive or destructive instinct being turned inwards and transformed into self hatred, which re-asserts itself as destructive violence

against others. This approach has also been taken up by Michael Ignatieff in his book "Blood and Belonging" (1993) which points to the way in which homogenisation has encouraged the revival of nationalism. Could it be then, as Freud suggested that

"men can substitute love for aggression within a community: as long as there remains another one on which they can vent their need to hate"? (ibid).

I have already questioned the biological determinism of such a view in Chapter Two but to repeat for the benefit of the present discussion, I suggest that assuming the biological element of innate aggression does exist (and the evidence is far from conclusive) it does not necessarily follow that this 'instinct' leads to war, or the urge to kill. Of far greater significance are political and socioeconomic relations between communities and states.

Thus, despite containing an element of truth (transitions to democracy have been taking place at a higher rate today than any other time in the twentieth century), the re-emergence of nationalist and separatist tendencies as well as the reassertion of religious fundamentalism continue to undermine the realisation of Fukuyama's prophecy. I suggest that far from speaking of the 'end of history', we should be focusing upon the 'sense' or course of history, that is, the nature of historical processes shaping the present phase of militarism and future directions. One philosophy which is founded on a historical conception is Marxism.

Central to a Marxist perspective is the theory of historical materialism. For Marx, history has been above all, the history of class struggle, from the moment a division of labour and the principle of private property were established. I have discussed Marx's conception of social change elsewhere - here I want to apply the theory of historical materialism to war in the sense that the means of violence should be understood and judged within the context of the socioeconomic and political relations in which they are produced and used. Underlying the politics of war then, should be a historical understanding of the present phase of war. It is therefore a pragmatic approach rather than an absolute position either for or against armed conflict. If we adopt this approach, the kind of questions we need to ask would include; whether the political

goals to be achieved through resort to military action are legitimate in themselves; whether there are any other means of furthering them, and whether the means proposed will really achieve what is intended without causing new problems that will outweigh any positive results. These questions must be addressed within a historical context which recognises the present historical phase of nuclear warfare. So, in this age of 'nuclear militarism', where do the greatest risks to security lie; and what should be the nature of our response?

THREATS TO SECURITY: PERCEIVED AND REAL

MILITARY THREATS

The nuclear capabilities of states have imposed a kind of paralysis on the use of force among the major powers- hence the most useful application of this mode of warfare is seen in terms of deterrence. So does this imply that the military threat to security is diminishing?

Because the use of force can have swift and devastating effects, and because of the continuing reverence given to the concept of 'national sovereignty', military threats retain a prominence in issues of national security, at least theoretically. Types of military threat may be direct (eg territorial seizures, invasions, bombardment of populations etc.) or indirect, in the sense that they are directed at interests outside the state itself (eg threats to strategically placed territories, shipping lanes etc.). A good example of the latter is the West's preoccupation with the security of oil supplies in the Gulf. However, territorial boundaries have become more or less firmly established within the international system, thus defence or acquisition of territory has become less relevant in recent years. Why then, does territoriality continue to be accorded the highest priority in national security concerns? The answer lies in the historical development of nation-states.

Throughout centuries of consolidation of the nation-state idea, the issue of non-intervention was considered to be a fundamental right of states. Military intervention has been deemed illegitimate by the right of self-determination of each nation which precluded foreign interference in their domestic affairs. It is a principle that continues to be endorsed by international bodies such as the UN which has traditionally intervened only when obtaining the consent of the government of the affected countries or warring parties. Despite some examples of decisions being over ridden (in the case of Iraq withholding consent), UN responses are far from consistent. UN action in the Gulf was swift, yet there have been a number of situations such as Bosnia, Somalia, and Rwanda in which the principle of non-intervention was (almost too conveniently) applied.

The idea of territorial sovereignty, together with grandiose illusions of imperial might, help explain why, despite the end of the Cold War, Britain's international and defence policies reflect, (what I hope to show to be) an outdated view of the global situation. The Ministry of Defence is symbolic of the belief that wars are deterred by greater military strength and increased arms spending. In 1993/4, the UK defence budget was estimated at nearly £23.5 billion - £200 per year for each man, woman and child. We spend about 3.7% of GNP on defence compared with the European average of 2.7%. A large part of this spending pays for the least useful element of Britain's defence commitments - nuclear weapons. The official estimate of the cost of Trident, for example, is £10,518 million (£33,085 million according to Greenpeace) and Britain has squandered billions of pounds on nuclear deterrence that is militarily useless. Indeed it is the proliferation of conventional weapons that is now recognised as a more serious threat to national security.

Britain is one of the world's top six arms suppliers with its Defence Sales Organisation putting considerable resources into promoting arms exports and showing little regard for ethical issues. For example, despite the Export of Goods (Control) Order which gives the government the power to ban exports to governments responsible for sustained human rights violations, the Gulf War and the Matrix-Churchill affair show how this policy is subject to abuse. The recent scandal surrounding the Malaysia dam

project is yet another example of the corrupt practice of the arms industry using international aid to secure defence contracts.

Simpson (1994) points to 4 failings in Britain's defence and security programme. First, by defining 'national security' in largely military terms; second, by exaggerating the effectiveness of a military response to threats to security; third, by extending beyond what is required in military terms to defend Britain, thus fuelling an international arms race; and finally, by refusing to acknowledge that the pursuit of peace and national security is a human rather than a military process. (p.7) Simpson's first and final points are ones with which I wholeheartedly concur. Indeed, the remainder of this chapter is devoted to showing what, in my view, is the true nature of our security risks. I will argue that military considerations are no longer our priority on the security agenda - more important are economic issues and, by implication, ecological concerns.

ECONOMIC THREATS.

There are strong arguments that the economic system of liberal democracy (i.e.: global capitalism) can operate to increase the likelihood of the use of force - through the process of unequal development. Both within and between states, the operation of the market creates patterns of wealth and poverty, advantage and disadvantage, growth and stagnation. Could it be that the greatest threat to security comes from economic and ecological rather than military sources? This seems to be the view of the UN in its document 'Agenda for Peace':

"Poverty, disease, famine, oppression and despair abound, joining to produce 17 million refugees, 20 million displaced persons and massive migrations of people within and beyond national borders. These are both sources and consequences of conflicts that require the ceaseless attention and the highest priority in the efforts of the United Nations. A porous ozone shield could pose a greater threat to an exposed population than a hostile army. Drought and disease can decimate no less mercilessly than the weapons of war. So at this moment of renewed opportunity, the efforts of the (UN) Organisation to build peace, stability and security must encompass matters beyond military threats, to break the fetters of strife and warfare that have characterised the past." (p.7)

There is little doubt that the gap between rich and poor is widening. In 1960 the richest 20% of the world's population has 30 times the income of the poorest 20%. By 1989, this polarisation had accelerated to 60 times the income of the poorest. Over 1.2 billion people or 23% of the world's population live in absolute poverty, unable to satisfy even the most basic biological needs for food, clothing and shelter. This polarisation is the product of long-term and deep-seated developments in the international economy, particularly exploitation by global corporations (TNCs) who have outgrown the capacities of national governments to deal with them. The number of global corporations now have resources substantially larger than most nation-states, possessing the financial reserves and flexibility to shift their operations in search of the most profitable returns on investment. For example, TNCs have systematically transferred significant portions of their capital to European, Latin American and East Asian societies where labour costs are lower or markets are better. Today we have a global market in which demand for the finished product is relatively insensitive to its place of manufacture. With their monopolies on technology, access to large amount of capital, and capacity to transfer factors of production from country to country, TNC expansion has generated multiple and volatile inequalities which create instability and insecurity on an international and national scale. In the pursuit of short-term profit and long-term power, the responsibilities and loyalties of TNCs are not to their workers in different countries in which they operate, nor to governments, but to their own corporate interest.

A TNC-dominated economy exacerbates not only global inequality but also domestic income inequality. In countries of the 'developing South', the gains from trade and profit of the TNCs have tended to be concentrated in the higher income classes. Moreover, the political interests of foreign investors (backed by international agencies) have supported governments committed to inegalitarian domestic distributive policies. In the case of the 'industrialised North', TNC activity has made labour markets more unequal. Wages of manual and non-manual workers are becoming subject to downward pressures and recasualisation; large-scale unemployment has returned and national governments are becoming less interventionist because they are subject

themselves to the manipulative powers of TNCs and international agencies alike. Earlier I cited the example of London where the effects of internationalisation can clearly be seen. London has become a service centre for TNCs and international agencies which has exacerbated the trend of inequality already in operation in Britain as a result of New Right social policies. Senior executives and professionals enjoy high salaries at one end of the international labour force while service workers suffer low pay and few employment rights at the other.

The political and economic powers of the TNCs have had profound effects on international and national distribution. Also influencing the global distribution of income and wealth are international agencies, laws and conventions. For example, the policies of the IMF and World Bank cannot be regarded as redistributive. Add to this the system of international property rights which assigns exclusive ownership and control of territory and its natural resources to a recognised government of the society established on it, and we can see that redistributive policies at both international and national level are severely restricted. These factors which help fuel the insatiable appetite of the global market economy lead us to the final security risk examined in this chapter - the ecological threat.

ECOLOGICAL THREATS.

With the dramatic increase in the scale, diversity and pace of human activity this century, and with the rapid expansion of knowledge about the ecosystem, the environmental threat is no longer a background factor in security issues. The increase in human activity is beginning visibly to affect the conditions for life on earth and because the free market is the main force driving the expansion of human activity, we may argue that its continued operation is part of the ecological threat.

Greenhouse gasses and ozone-eating chloroflourocarbons (CFCs) from industrial societies may change the temperature of the ecosystem. Pollution and direct assaults on the environment (eg. fishing, mining, forestry etc.) resulting from economic activity

may eventually precipitate a disaster that will significantly threaten many species living on the planet. In terms of human cost, the greenhouse effect may bring about a rise in sea-level that will inundate many low-lying areas. For example, the inundation of the Nile and Bengal deltas alone would put at risk the homes and livelihoods of 46 million people (Singer 1994. p.268).

However, attempts to combat the ecological threat need also to acknowledge and challenge the double standards of the industrialised North. For example, it may well be that economic participation by developing countries has exacerbated the environmental problem, but calls for restraint are not enough to halt the destruction. The deforestation policies of Brazil, for instance, have been met with condemnation by countries in the West (who have apparently forgotten their role in their own deforestation). Like industrialised countries before it, Brazil continues to claim the right to destroy their forests as part of their development process. For the Brazilians, the West's calls for restraint is simply a strategy to keep the former subservient to the latter.

Having examined the major threats to security, I would argue that economic factors are a greater risk to stability and security than military considerations. Consequently, the pursuit of peace needs to address and transform the nature and operation of the economic system itself.

The previous section drew our attention to defence and foreign policies that fuel the arms trade at the expense of peace-keeping and peace-building; to mass population migrations driven by poverty and persecution; to ethnic and religious antagonisms; and to environmental pollution and destruction. I have highlighted the ways in which the power of TNCs and international agencies maintain and increase the gap between rich and poor, North and South. I have further argued that we can no longer afford to persist with strategies and policies which have helped create a world where insecurity and unpredictability reign supreme. It is a world of turbulence in which economic and technological globalisation is undermining the ability of nation-states to manage their own affairs, including domestic markets. The post-Cold War world is still a world in

which foreign policies continue to be built upon division, under-development and domination, with even greater emphasis on economic superiority since the declining significance of ideology. With the end of the Cold War period, the role of new security pacts will be, in the words of former NATO commander Sir James Eberle:

"...to serve as platforms for launching forces to ensure our access to key resources in the Third World. 'The new divide is not one of ideology but of prosperity'. Military alliances will still be needed to confront those who do not recognise the 'norms of civilisation' about who should be the haves, and who should be the have-nots." (New Zealand Listener 8/7/91)

The assumption behind the above quote appears to be that the 'haves' can only live comfortably at the expense of the 'have-nots'. If this conventional dichotomy between rich and poor holds, most citizens of rich nations should benefit from the impoverishment of most citizens in the poor nations. I suggest that the more accurately we depict exploitative international relations, the weightier the moral obligations of the citizens of the rich nations to those of the poor will appear. We saw in Chapter 3 how this situation has led philosophers such as Peter Singer to advocate an 'obligation to assist' - that is, a natural duty of individuals in the rich nations to help the starving elsewhere. Thus, in view of the increasingly visible global distributive inequalities and environmental deterioration, it is apparent that the 'haves' can only live safely if the 'have-nots' do as well. The basis of survival in the future must be sustainable economics and redistributive policies rather than immoral exploitation. This, in turn, implies a commitment to a system of global distributive justice, which for us, are the principles of the good society writ large. It follows that the legitimacy of national territory, identity and sovereignty, which inhibit the application of global principles of justice, must be reassessed.

The major justification for the legitimisation of national territorial boundaries has been based on a supposed cultural reality. That is, national boundaries enable culturally distinct peoples to build political institutions within which they live in a manner specific to that group, preserving, cultivating and transmitting their own traditions. Thus, national territorial boundaries foster national identities. So maybe territory is not the basic issue. What justifies the boundaries of territorial states is cultural identity,

including the historical investment of labour within those boundaries. It is because groups of people recognise themselves (and are recognised by others) as members (and workers) of one community, and view others as 'outsiders', 'aliens' and 'foreigners', that they can legitimately aim to establish states that are divided from other states by boundaries. This justification is reinforced by the supposed feeling of affiliation to nations and communities that is not merely a matter of preference, but the basis of a profound sense of self and identity of the persons so linked. Such a view can be traced back to Edmund Burke who argued that rights could only be said to belong to individuals as members of a nationality, not as individuals. ('The Works' 1907) More recent conservative writers (eg. Scruton, Powell, Casey etc.) define nationhood as an 'instinctive' feeling of belonging to a common group, and being bound to it by sentiments of affection, piety, collective pride and loyalty.

In short then, to have a national identity is to have certain beliefs and sentiments (including a sense of history) that are 'instinctive' and permanent - deeply embedded within us in a way that is much more profound than, say, our sense of national citizenship. We can say this even when national identity is construed along biological lines. For example, it may well be that the majority population have blue eyes and blond hair, or brown eyes and dark hair, but it is individuals operating within a social context who decide that genes matter. That is, it is we who choose to cluster people on the basis of their physical appearance. I would argue therefore, that states may make use of territory or biology, but they are not defined or constituted by them.

Having examined the justifications for national territorial boundaries, it is not difficult to see how such arguments may run into problems. First is the assumption of a single national identity, for national identities may be multiple (see O'Neill 1996 for an excellent discussion of this issue). For example, I may see myself as Welsh and British which may be unproblematic to me and most others - to be Irish and British however is more complicated. In Northern Ireland I may be viewed as Irish or British depending on political affiliation and/or religious belief. Similarly, the 'safety' of being German and Jewish depends on the time in which you live. my point is that national identities may be multiple and historically malleable. Multiple identities that seem

coherent and compatible in one historical period may be brought into tension and conflict at others. Thus, given that a sense of national identity is to possess a profound set of beliefs and sentiments, like other beliefs and sentiments, no matter how deeply-held, they are not permanently fixed and are, therefore, open to change. Moreover, to take issue with the argument from labour - that to cultivate and develop the resources within one's territory is to strengthen the legitimacy of national identity and territory - this too is questionable. At most, labour may claim a surplus, but it is a claim that may be overridden by the needs of others. The fact that someone happens to be located advantageously with respect to scarce resources for example, is not a justification why others should be excluded from the benefits that may be derived from them, and we can extend this to include national territories. No one has a 'prima facie' claim to the resources under one's feet, thus we can view the natural distribution of resources as arbitrary. Furthermore, we have seen that resource-poor societies need to be assisted in realising socioeconomic conditions sufficient to promote a just peace.

Once we begin to perceive 'national identity' as something constituted, not 'instinctive' nor given, appeals to national identity to justify state territorial boundaries are unconvincing. Indeed, we can turn the argument on its head and suggest that rather than state boundaries being adjusted to take account of national identity, national identity can or should be adjusted to take account of such boundaries. In either case, in our good society with its principles of distributive justice, national identity has no place - individuals are bound together by reciprocal obligations on a global scale - the citizen has an international identity.

In sum, by idealising national territory and identity, we obscure our interdependence with others and the fact that we share a world with them. It is a strategy that excludes 'outsiders' from all moral concern and prohibits activities such as mobility, residence, receipt of welfare, political participation and so on. Moreover, those deemed as having the 'wrong' identity have often been forced to relocate through policies such as deportation and 'ethnic cleansing' - practices all the more unjust given that a single sense of identity is rarely found in all who share a given territory. Attempts to legitimise territorial boundaries through national identity are an affront to our

conception of justice that asserts that there are *universal* human rights and *universal* standards of justice.

SUMMARY AND CONCLUDING REMARKS

Against the backcloth of socioeconomic and political inequalities described throughout this thesis, I have argued that there is a fundamental problem with the political obligation assumed to exist in liberal democratic society. I suggested that only the most privileged members - that is, the socially and economically advantaged with the greatest political influence could be said to owe such an obligation. This conclusion was drawn through an application of the benefactor argument - the idea that a political obligation exists through the formal rights of citizenship bestowed on individuals by the state. A critical examination of these 'benefits' indicated that this justification for political obligation is seriously flawed. This is particularly the case when we discuss that obligation under severe pressure of circumstance - the unlimited and unconditional obligation to kill or to die for the state in war. I examined the parent, consent and benefactor arguments for obedience and concluded that the liberal democratic state cannot legitimately demand that citizens die or kill on its behalf. Any obligation to serve in the military should be viewed, at best, as a legal obligation not a moral one.

I also suggested that the phenomenon of war should be explored in contexts of both the individual (patriotism, pacifism and conscientious objection) and the social, hence my focus on the laws of war encapsulated in just war theory. Having analysed the criteria set out for 'jus ad bellum' (justice of war) and 'jus in bello' (justice in war), I accepted that just war theory is a useful framework for analysing the initiation and conduct of war, but rejected the principle of 'military necessity' (which permitted jus ad bellum criteria to override that of jus in bello by using indefensible means). I did not, therefore, rule out the permissibility of waging war (given the particular set of circumstances of each case) nor the political obligation of citizens to participate in such a war (if the aim is the protection of a good society and the promotion of a just peace).

I then proceeded to identify the key components for the construction of a good society through which the foundations of a just peace would be laid. In this democratic ideal, political obligation would be conceived as a horizontal relationship - an obligation

citizens owe to each other. To construct such an ideal was to provide a context within which citizen participation is maximised - a conception of democracy which does not abstract the political from the common life. Indeed, the political represents a collective dimension of the social. Thus, political life in my good society is a collective experience because the citizen is first and foremost a social being. From this starting-point of democracy as self-rule, I then developed a theory of distributive justice which identified liberty and equality as the two most fundamental principles for the satisfaction of the basic human needs of physical health and autonomy, and identified a number of social policies required for the satisfaction of intermediate needs. Moreover, for these needs to be *human* needs, and for their satisfaction to be *human* rights, I argued that principles of social justice in the good society must be applied on a global scale. In a society where citizens enjoy the good life, in fact, **are** the common life, the political obligation to risk one's life on its behalf may therefore exist, in order to fulfil the moral obligation to protect and promote the values and principles of such an existence, which in turn connect with the protection and promotion of a just peace.

Nevertheless, my critique of the benefactor argument, particularly within the context of war, would have remained incomplete without some reference to the empirical evidence suggesting that the extension of citizenship through participation in total war had reinforced the political obligation to die and to kill for the liberal democratic state. To this end, I moved away from a philosophical discussion and adopted an historical approach in order to explore these claims. Through tracing the development of social citizenship, I concluded that wartime participation may have fuelled social reform, thus strengthening the reciprocal relationship between citizen and state, but such reforms were modest in nature. I argued that citizenship, as conceptualised from the perspective of my good society, cannot be reconciled with capitalist relations and institutions, nor sit comfortably alongside the inequalities generated by a free market economy.

However, despite the shortcomings of the postwar view of citizenship (as compared with that of the good society), we found that in comparison with the conception now being formulated in the 1990s, it was much wider in scope, clearly setting out the

reciprocal duties and obligations of citizen and state in terms of participation and rights. Today, this relationship has fundamentally changed. Again, by turning the benefactor argument (used to justify political obligation through the dialectic of total war and social reform) on its head, we can argue that in the nuclear age, the link between citizen and state has been considerably weakened. In terms of mass participation, the nuclear state (as opposed to the 'military-democratic' state) no longer requires such duties from its citizens which, from the point of view of reciprocity, begs the question of what duties and obligations the nuclear state now owes in return?

POLITICAL OBLIGATION AND CITIZENSHIP IN THE NUCLEAR AGE

I have tried to demonstrate, through an examination of recent welfare reforms, that state protection through the extension of social rights is being withdrawn - and to accommodate this new relationship between state and citizen, a new conception of citizenship is being formulated.

In the past, social reforms such as free education, health care and aid to meet the cost of sickness, unemployment and old age, together with a sense of national identity reinforced by two world wars, were needed to maintain a state which recognised, to some degree, a range of duties towards its citizens, including the obligation to reward for the sacrifices of war. Moreover, the state was buttressed by a hierarchical society in which deference and obedience to authority were the norm. But the nuclear state is now shedding its responsibilities towards its citizens. Job insecurity is increasing, welfare services are decreasing, and traditional avenues of participation, such as local government and trade unions, are becoming less accessible. Moreover, as local government is being stripped of many of its political and financial powers, much political decision-making has passed to non-elected quangos - raising issues of democratic accountability as elected politicians increasingly disclaim responsibility for policy decisions.

The loss of resources provided by the state has had its greatest impact on the poor. Social inequality has increased, raising fears about the consequences of the growth of an 'underclass' with minimum attachment to society. For theorists such as Geoff Mulgan, architect of the new Labour government's unit on 'social exclusion', the answer appears to lie in the world of paid employment which requires the retention of a flexible labour market with relatively low wages. Hence, the new concept of the 'active society' which holds that the best way for governments to address social problems is through the promotion of activity (narrowly conceived) - that is, paid employment through the market. It is an argument which implies that the market is the only true source for the satisfaction of human desires and needs, just as participation in

paid employment is the key to self-esteem. Thus, training is viewed as the panacea for many of our social and economic ills, and the way forward is not through social policy as generally understood, but through 'active labour-market policy'.

The problem with such concepts as 'the active society', which place emphasis on the insider/outsider division within the sphere of paid employment, is that they tend to ignore first, the growing problem of structural unemployment and of working poverty, both of which must be located within the nature and operation of the capitalist system itself; and second, the broader factors which affect the terms on which people, especially women, are able to work - the sexual division of labour for example.

In my view, therefore, we need to address not only economic participation but also political participation. I have argued that the concepts of citizenship and political participation are intertwined, and recent reforms illustrate the ways in which a narrower citizenship makes for a narrower participation. Loss of regular employment has reduced the scope for links with trade unions, and political parties have shown little interest in seeking the support of those at the bottom of the social scale. It is a reciprocal indifference as the poor in turn reject many of the institutions and values of liberal democratic society, including the voting mechanism. Neither is this disillusionment confined to disadvantaged groups. Empirical evidence suggests that citizens are increasingly questioning their obligation to the nuclear state. Respect for the law has fallen, with only 41% believing in 1994 that 'the law should always be obeyed' compared with 57% in 1984. (British Social Attitudes 1995, reported in *The Guardian* 22/11/95 p.2-5) Moreover, the figures of Miller et al (1996) showed 49% believing it right to obey an unjust law. (p.47) Of course, optimists could argue that such figures reflect the existence of a better-informed, more articulate citizenry, yet it may also suggest a growing public alienation.

Given the nature of welfare change as outlined above, it is plausible to argue that the nuclear state is becoming more remote from its citizens, and has thus become less

sensitive to their needs. It no longer requires nor desires mass participation for its protection, only economic participation, through encouraging citizens to prevent their own human capital from becoming obsolescent by updating their skills. The citizen must thus become an individual capitalist. The nuclear state's obligation is shifting away from the provision of social rights to a focus on 'political' rights, particularly those associated with consumerism, as set out in the 'Citizens Charter, for example. But such rights have little to do with citizenship in any meaningful sense - the focus is on individuals with little regard for the wider needs of society. And the obligation of the citizen is also individualised - the obligation to support oneself. The debate now is 'citizenship as entitlement versus citizenship as self-reliance' with the nuclear state favouring the latter end of the continuum.

This reformulated conception of citizenship has serious implications for political obligation and the legitimacy of the liberal democratic nuclear state. Fundamental is the question of what form political obligation should take in a nuclear society - a question inextricably linked to the notion of citizenship.

The shift in the relationship between citizen and the nuclear state serves to reinforce the need for a reassessment of political obligation as a horizontal relationship owed by citizens to each other. The nuclear state's separation of its military and social apparatuses and its increasing abdication of duties and obligations, has distanced itself from its citizenry. With this withdrawal of protection, citizens must turn to each other for their security, all the more urgent in an age where minimal political input coexists with the potential threat of mass destruction. The route to achieving a real sense of security lies in building a sense of citizenship in which a good society and a just peace can flourish. It is a conception that implies participation, reciprocity, cooperation and interaction between parties sharing common interests and values. The good citizen respects the needs of others and acknowledges that the satisfaction of those needs is an essential prerequisite for the maintenance and extension of the good life. In the nuclear world then, the security of each citizen is dependent upon the security of every other - we must view ourselves as *global* citizens.

I have explained why principles of social justice in the good society need to be applied on a global scale. But moral concerns apart, I need only to emphasise *interdependence* for it to logically follow that confinement of such principles to the good society has the effect of 'taxing' poor or unjust regimes so that we may benefit from living in a just society. Moreover, if evidence of global economic and political interdependence shows the existence of global social cooperation, we should not view national boundaries as having fundamental moral significance. Since interdependence and cooperation transcend national territories, then such boundaries do not set the limits of moral obligations. Moreover, my reply to the argument that the extension of economic and cultural relationships beyond national borders undermines the moral legitimacy of the nation-state is, this is my intention, for only through such a perspective can we challenge the principle of non-intervention and speak of a just peace.

My critics may still pose the following question: What purpose can any discussion of global redistribution serve in the absence of coercive international institutions, capable of coordinating and enforcing redistributive policies? Such a question does emphasise the importance of devising such mechanisms, or adjust those which presently promote inegalitarian policies. A starting-point could be the development of supra-national policies to protect citizens from the undemocratic power of global capital which generates employment, income and environmental insecurity. What the above question does not do, however, is undermine the force of redistributive obligations. Political and economic institutions are not something 'out there', fixed and immutable, they exist and function because they are rooted in society and society is capable of transforming itself. Hence my emphasis on political participation as a crucial aspect of citizenship. It does not follow, therefore, that the lack of effective global institutions *at present* makes impossible global principles of justice.

The purpose of ideal theory is, after all, to prescribe standards that serve as goals of political change in the non-ideal world - assuming that my good society can, in due course, be achieved. The ideal cannot be undermined simply by pointing out that it cannot be achieved at present. Only impediments that are unalterable and unavoidable

can lay claim to the impossibility of an ideal, and I have hopefully demonstrated that in the construction of my good society, no such impediments exist. To reiterate the point which underpins my ideal theory, there is no evidence to suggest that it is somehow given in the nature of things that people can neither develop sufficient motivation for compliance, nor evolve institutions capable of enforcing global principles of justice. I have not claimed that such tasks are easy but that is not what my ideal theory requires. It requires only that the necessary changes are *possible*. Thus, through my advocacy of the good society, I may well be navigating a map which still leaves many areas unexplored, but I believe that those who reject out of hand the possibility of bringing about a just society and a just peace have no map at all.

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